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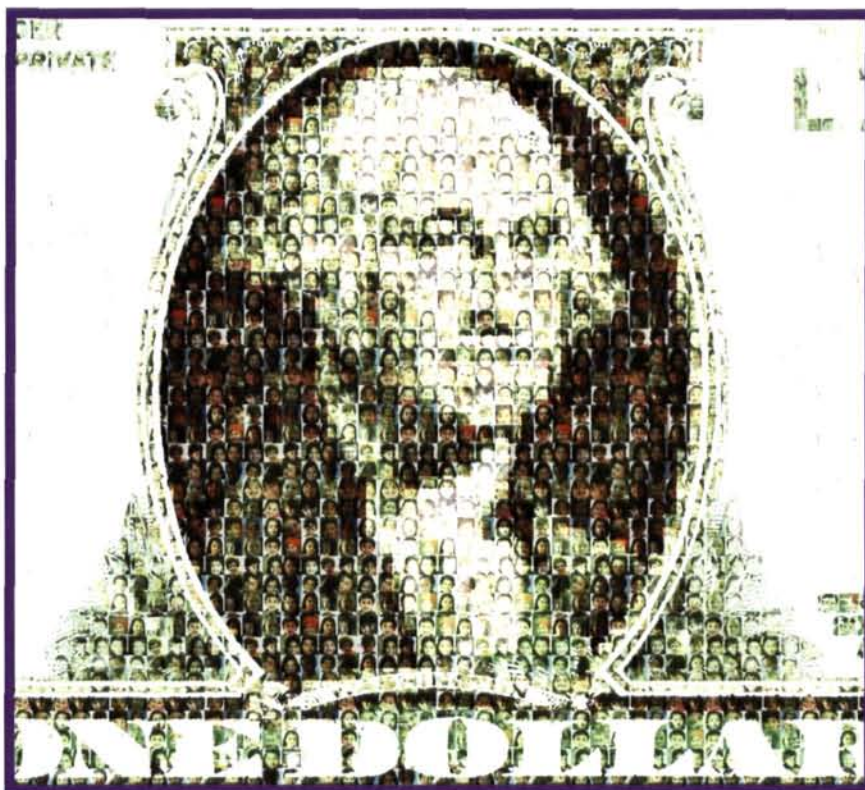
A JOURNAL OF OPINION AND RESEARCH

The
2009
Education Next-
PEPG Survey

Preschool for All

Is it a good idea?

CHESTER E. FINN JR.



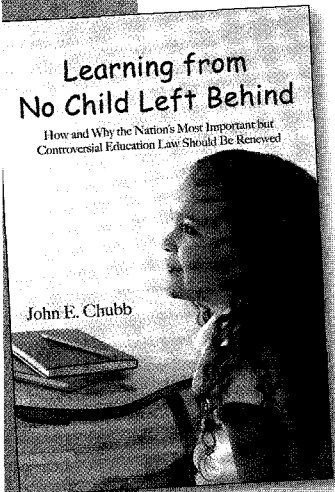
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Disappearing Reporters, States and International Tests, Charter Success in Albany*

CONTRIBUTORS: RICHARD ARUM, DOREET PREISS, PETER MEYER, PATRICK WOLF,
ERIC HANUSHEK, AL LINDSETH, MICHAEL REBELL, MARK SCHNEIDER

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Learning from No Child Left Behind

How and Why the Nation's Most Important but
Controversial Education Law Should Be Renewed

John E. Chubb

Learning from No Child Left Behind

How and Why the Nation's Most Important but
Controversial Education Law Should Be Renewed

John E. Chubb

John E. Chubb, writing on behalf of the Koret Task Force on K–12 Education, presents a convincing case that, despite the controversy it has ignited, the No Child Left Behind (NCLB) Act is making a positive difference and should be renewed. He outlines ten specific lessons and recommendations that identify the strengths and weaknesses of NCLB and offers suggestions for improving the law, building on its current foundation.

John E. Chubb is a distinguished visiting fellow at the Hoover Institution, a member of its Task Force on K–12 Education, and chief development officer of EdisonLearning, which he helped found in 1992. He has authored numerous studies of student achievement and education reform, including *Liberating Learning* in 2009.

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Reroute the PRESCHOOL Juggernaut

Chester E. Finn Jr.

Prekindergarten is one of the most hotly contested topics in American education today. In *Reroute the Preschool Juggernaut*, Chester E. Finn Jr. outlines the issues that define, inspire, and vex this contentious debate. Finn suggests that schoolcentric initiatives such as the No Child Left Behind Act are burdened by educational gaps that arise before kindergarten and are difficult to rectify thereafter. He tells how highly targeted, heavily cognitive, intensive prekindergarten programs for the neediest children can boost their educational achievement and life prospects—and why universal prekindergarten programs of the sort pressed by most of today's advocates will not.

Chester E. Finn Jr. is president of the Thomas B. Fordham Institute, senior editor of *Education Next*, senior fellow at the Hoover Institution at Stanford University, and chairman of Hoover's Task Force on K–12 Education.

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A JOURNAL OF OPINION AND RESEARCH

September 2009

Dear Friend of Education,

Many of you have been reading our fine articles and have seen our excellent illustrations and photographs since *Education Next* was first published, in January of 2001. With the February 2011 issue, we will celebrate our tenth-year anniversary! We're proud of the journal and grateful that so many people are interested in it.

With stability comes change, though, and I'd like to let you know about some of the things we're doing to make the journal even better.

First, starting with the next issue (Winter 2010), we have moved to a full-color format, so that you can better enjoy our stunning illustrations and captivating photos. We'd like to hear what you think when you see the new format, so please send us an email:

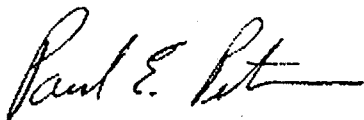
Education_Next@hks.harvard.edu.

Equally exciting, we have a new and revamped *Education Next* website, which you can see at www.educationnext.org. You'll still find the same stimulating articles, but now you'll be able to read a new featured article on a regular basis. We'll be able to provide you with current observations on the education scene, and will supplement a topic with previous articles from our archives that are relevant. Our archives will include a thorough, helpful search function for when you want to find an article on a topic of interest. We'll have a multimedia page with audio and video podcasts and slideshows. And we'll feature some of the most interesting education bloggers writing these days.

In addition to all of these expanded, enhanced features, there will be plenty of room for reader comments from those of you who want to be engaged in the conversation about what's happening in education.

We thank you for your support over these (almost) ten years. Please subscribe to help keep the journal available. Just send in the addressed, postage-prepaid postcard enclosed in every issue. You'll be billed later.

Sincerely,



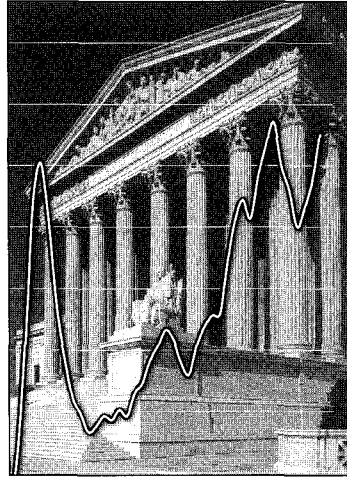
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Editor-in-Chief

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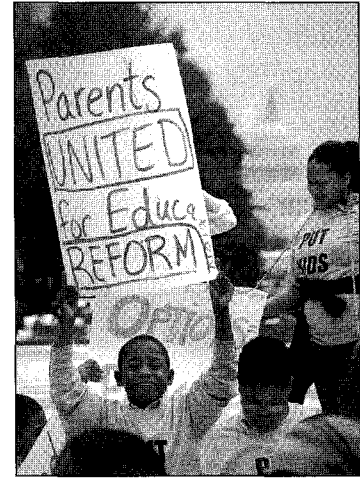
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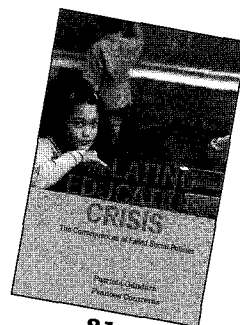
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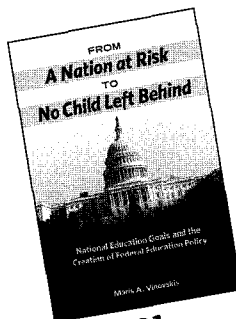
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Losing Ohio's Future

read our research reports, including
a recent study from our Ohio office
on that state's brain drain problem

Powerful Professors

Research can change the political agenda...if the circumstances are right

When the status quo is protected by vested interests, then school reform must be driven by ideas backed by clear evidence. Results from our 2009 national poll tell us that a solid research finding has the capacity to shift public support for charter schools from 39 to 53 percent, a substantial increase (see “The Persuadable Public,” *features*, page 20). A study’s power to persuade turns out to be as potent as Barack Obama’s persuasive capacity two months after he assumed the presidency.

To get a better sense of how research can influence the real world of policymaking, consider recent events in Massachusetts, where Boston’s longest-serving mayor (1993–present), Thomas Menino, is seeking reelection for an unprecedented sixth term. “Mumbles,” as the mayor is affectionately called, is best known for his commitment to snow removal, neighborhood parks, and symbiotic relationships with political insiders. On education matters, he appoints the school board and lets the members run the Boston schools as they please—so long as they avoid upsetting the local teachers union. But on the eve of his current campaign, Menino asked the legislature to expand charter school operations in Boston.

Why did Mayor Menino suddenly get charter school religion? Only recently, teachers unions seemed to be riding high in the saddle, enjoying for the first time in more than a decade a government unified under the union-friendly leadership of a Democratic governor and a legislature controlled by the same party. The mayor has generally distanced himself from education issues, and Boston’s best-known school reform consists of “pilot” schools, which have more than usual autonomy but are still subject to the district’s education-crushing collective bargaining agreement. Governor Deval Patrick, in a nod to the mayor, backed legislation that would expand pilot schooling throughout the state while curtailing charter school operations (see “Accountability Overboard,” *features*, Spring 2009).

The nail in the charter school coffin was expected to come with the release of a charter and pilot school evaluation initiated by the Boston Foundation, a reliable public school supporter. The foundation had nonetheless arranged for its

evaluation to be conducted under the leadership of economist Thomas Kane of the Harvard Graduate School of Education, who has considerable credibility on all sides of the charter school debate. The study was designed as a gold-standard randomized field trial, in which students were (by means of a lottery) randomly given the opportunity to go to charter

schools or not. The achievement of students who won the lottery and attended charter schools was compared with the achievement of students who entered but failed to win the lottery. Ditto for pilot schools.

To the surprise of the Massachusetts education establishment, the charters won—and the pilots lost—the research contest. No matter how the data were analyzed, charter schools routinely outperformed both Boston’s pilot schools and its traditional public schools. Pilots turned

out to be no improvement on the status quo whatsoever.

The research findings reinforced the pro-charter campaign led by a local think tank, the Pioneer Institute. Statewide, newspapers editorialized in favor of charters and against the governor’s so-called reforms. Even the liberal *Boston Globe* climbed on board the school reform train. It didn’t hurt that the state legislature was riddled by scandal and Governor Patrick’s tax, fiscal, and transportation policies were going nowhere.

Politically, it was time for Mayor Menino to separate himself from the nonsense emanating from the state capitol. The best way for a popular mayor to remain that way is to catch a changing wind before it acquires gale force, in this case a wind set in motion by the Kane evaluation. When circumstances are right, professors can be as powerful as politicians.

Well...let’s not exaggerate. Mayor Menino may have climbed out of the teachers union bed but only into a twin bed in the same room. The mayor’s call for action will need to be accompanied by well-timed use of mayoral muscle inside the state legislature if more charter schools are to come to Boston. Still, research has nudged the thinking of one of Massachusetts’s most savvy politicians—no small feat.

— Paul E. Peterson

MISSION STATEMENT In the stormy seas of school reform, this journal will steer a steady course, presenting the facts as best they can be determined, giving voice (without fear or favor) to worthy research, sound ideas, and responsible arguments. Bold change is needed in American K-12 education, but *Education Next* partakes of no program, campaign, or ideology. It goes where the evidence points.

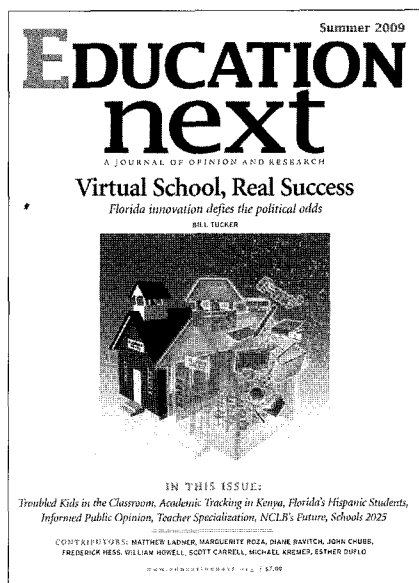
Closing the Gap

In “Demography as Destiny?” (*features*, Summer 2009), Matthew Ladner and Dan Lips argue that Florida’s reforms—school accountability, literacy enhancement, student accountability, teacher quality, and school choice—have helped students there achieve record academic success. Florida’s results support school-focused reform strategies, such as those we’ve implemented in New York City. New York City’s progress in narrowing the achievement gap confirms that policymakers and advocates can no longer use demographic factors like race, ethnicity, income, or zip code to excuse differences in educational achievement between high- and low-needs students.

Like Florida’s schools, New York City’s serve a high-needs population. But we are not allowing demographics to define our outcomes. Since 2002, our students have made steady progress. Today, far more students are meeting and exceeding standards in math and reading. We’ve substantially narrowed the racial and ethnic achievement gap, our students are catching up to students in the rest of the state, and our graduation rate is the highest it has been in decades.

How have we done this? We have set high standards and created a school accountability system that holds schools responsible for outcomes and gives schools, parents, and educators the information they need to address students’ strengths and weaknesses. We have raised pay for educators and created incentive programs for teachers and principals that help us attract the best talent to our schools. Since 2002, we have replaced hundreds of failing schools with new small schools that provide New York City families with good options.

We still have a long way to go, but it’s clear that even the most disadvantaged students can achieve at high levels when provided with a strong education.



It’s time for leaders across America to stop making excuses for low student performance. As Florida and New York City demonstrate, we can offer all students, regardless of their backgrounds, the educational opportunity they need and deserve.

JOEL I. KLEIN

New York City Schools Chancellor

Education Reform Work Is Not Complete

Regarding “Accountability Overboard” (*features*, Spring 2009), the heated rhetoric that the Massachusetts Readiness Project with its goal to move public education into the 21st century somehow represents a “waving” on standards is off the mark.

As the article correctly points out, Achieve, Inc., has reviewed the Massachusetts standards and found them to be top-notch; they combine rigorous content with clear expectations that students develop problem-solving and reasoning skills as they learn the content. In fact, Achieve regularly uses the Massachusetts standards as a model when working with other states that seek to raise their expectations. As the article rightly notes, Massachusetts students

not only perform at the top of U.S. measures such as NAEP, but are globally competitive, as recent TIMSS results have shown.

Every state needs to review and update its standards periodically. That Governor Deval Patrick wants Massachusetts to build on its tradition of excellence by ensuring that standards enable students to access and attain rigorous content, as well as meet assessment goals requiring that they demonstrate their ability to apply their knowledge, does not represent a “waving” on content, but rather a way to enhance the state’s current world-class standards. High-performing countries, such as Singapore, are doing the same. Rather than getting distracted by false choices or creating controversies where none need exist, it would be far more helpful for the debate in Massachusetts to focus on the best strategies for ensuring that classroom instruction effectively delivers the standards to all students throughout Massachusetts.

MICHAEL COHEN

President, Achieve, Inc.

The achievement of students in Massachusetts is well documented. The state’s commitment to high standards, rigorous curricula, and accountability for student achievement is widely regarded to be among the best in the nation. Results on NAEP, SAT, and TIMSS confirm that the hard work is paying off, and MCAS scores continue to improve in the great majority of subjects and grades tested.

Massachusetts is clearly doing well. But Governor Deval Patrick has repeatedly said that doing well is not good enough. I could not agree more.

Too many students, particularly black and Latino students and those with limited English proficiency and special needs, are not reaching higher levels of academic proficiency, are falling behind, and are dropping out. It was

with those students in mind, with their future at stake, and in the interest of the Commonwealth's economic vitality, that the governor engaged more than 200 citizens to develop an action plan, a series of recommendations spanning 10 years with an immediate focus on turning around low-performing schools and ensuring that students are receiving the support they need outside of school to take full advantage of improved teaching and learning inside of school.

Governor Patrick and his education secretary Paul Reville should be praised for their efforts to transform the public education system into one that works for and promotes high achievement for all students. Instead, he is vilified on the pages of this publication with such wanton disregard for the integrity of the facts that the presentation bears absolutely no relationship to what is actually occurring in Massachusetts.

Massachusetts has a great base on which to build, but in order for students to truly achieve, to succeed, and to develop into the future leaders of this state, this country, and this world, they need additional time for learning, additional time on the core subjects, and additional time to build out their knowledge and ability to apply what they learn in class to a college classroom or their chosen field of work. Governor Patrick has begun that work in Massachusetts and I believe the students will be better served by acknowledging where the state needs to improve its education reform efforts than by simply declaring victory based on past success.

THOMAS W. PAYZANT
*Former Superintendent
Boston Public Schools*

Measuring Benefits

Marguerite Roza's excellent article ("Breaking Down School Budgets," *features*, Summer 2009) provides only half of the story. Traditional cost-

benefit analyses explore the benefits as well as the costs of programs. By providing only the cost side of a cost-benefit analysis, Roza, in effect, assumes the benefits of all high school classes are equal.

While providing curricular electives may cost more per pupil than basic courses in the core subject areas, electives often keep students interested and attending school. Electives also develop talents missed with traditional core subject classes. The future financial benefits to students and their employers of knowing a second language certainly balance a slightly higher cost ratio for providing foreign language classes, for example.

**While providing
curricular electives
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interested and
attending school.**

Over time, Advanced Placement classes save students money. Each year, thousands of high school graduates arrive on university campuses already having earned college credit through their AP classes. Not only do these credits save parents and students tuition dollars, they decrease the time, and thereby the cost, of earning a college degree.

Additionally, the potential costs of not addressing the needs of high-achieving high school students through honors and AP courses are great. Ignoring the educational needs of students with the greatest potential effectively restricts the level of achievement

in our schools. Many gifted elementary school students know much of the material to be covered in their current grade prior to the start of school. Nearly half of the low-income students who are classified as high-achieving when they enter 1st grade can no longer be classified as such by the time they reach 5th grade. These students clearly need educational opportunities that their parents often cannot provide. We can do better than to ignore almost half of our nation's talent.

Failing to adequately educate our nation's youth by reducing the cost per class is not a blueprint for informed local resource decisionmaking. Instead, it is a formula for sacrificing our nation's intellectual capital.

DEL SIEGLE
*President
National Association for
Gifted Children*

Educating the Public

Charter schools are public schools. The movement has been repeating that mantra for 17 years, but the point hasn't completely sunk in. In surveys conducted for the National Alliance for Public Charter Schools, the portion of registered voters recognizing charters as public schools has hovered around 40 percent for the past four years. The diversity within charter schooling may work against any common definition. Chartering empowers thousands of African American families to create a vibrant new public-school sector in Harlem; it liberates a group of Minnesota teachers to start and run their own schools; and it provides a Teach for America alum the freedom to start a network of college-prep charters serving Mexican immigrants in Texas.

How charter schools are defined matters greatly. The information William Howell and Martin West provided to survey respondents ("Educating the Public," *features*, Summer 2009)—that



Educating the Public

By WILLIAM G. HOWELL and MARTIN R. WEST

Most people express strong opinions about public education.
But only a few know the basic facts about the public schools: how much they spend, how well teachers are paid, and what schools can and cannot do.

What happens when the public learns the facts about schools and delegates responsibility about public education? Do citizens update their views on policies designed to improve public schooling? Or do they hold steadfast to their opinions, suggesting that whatever initiatives debate about education is not an abiding concern about what is actually happening in our nation's schools? A series of experiments embedded within a national survey that we conducted in 2008 shed new light on what happens in public opinion on education when it is informed about some key facts. We divided respondents into randomly chosen groups: some were simply asked their opinions about school spending, teacher salaries, and charter schools; while others were first provided with accurate information about each of these issues. Because all that distinguished the more-informed respondents from the others is chance, we can be confident that any differences between the views of the two groups are attributable to the information provided.

How information affects Americans' support for school spending and charter schools

The results are striking. Accurate information about what is currently being spent on public schools reduces both support for increased spending and confidence that more spending would improve student learning. Knowing how much the average teacher earns leads support for salary increases. We observe only a modest effect of information on the views of current teachers who

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charters are tuition free and do not teach religion—is only one slice of what defines charters and what distinguishes them from other public schools. When people are given a fuller definition, including the public nature of charters, the freedom charters have to be more innovative while being held accountable for improved student achievement, and the greater partnerships among parents, teachers, and students often found at charters, we see support grow across partisan and ideological lines.

In states where there are more charter schools, we see a significant increase in knowledge and understanding reflected in surveys. While charter schools still serve less than 5 percent of the public school population, in a dozen population centers charters now enroll more than 20 percent of public school students. In the District of Columbia, for example, where nearly 100 charter campuses are educating more than one-third of the public school students, charters are increasingly accepted as an integral part of the public education delivery system: Sixty-three percent of D.C. residents know they are public

schools. And in California, a state with close to 800 charters, 52 percent of voters in a 2007 poll knew they were public schools.

Howell and West's commendable work was done in 2008, which predates what we've been calling the Obama Effect. The president has made his commitment to charter schools known, and this has not gone unnoticed. In our latest survey, conducted in late March 2009, we saw a sharp increase in the number of people who identified charter schools as an educational option in their community (from 18 percent in 2008 to 29 percent in 2009). In state after state, legislators who previously opposed charters are reconsidering their positions because of the president's strong support for these schools. If we in the charter community respond with robust growth of high-quality schools, we will surely see greater public understanding from all quarters.

NELSON SMITH
President and CEO
National Alliance for
Public Charter Schools

Class Size

In Paul E. Peterson's recent editorial ("What Is Good for General Motors... Is Good for Education," *from the editors*, Spring 2009), he optimistically suggests that the economic crisis could spur some much-needed fiscal reform within the education sector.

While I absolutely agree that too much of our taxpayers' money is spent on stuff that isn't making our schools better, I couldn't disagree more with what Peterson identifies as fat. His analysis of class-size data is particularly baffling to me. Eight pupils per teacher? My own state of California limits class size to 32 at the secondary level and 20 at the primary level. In other words, as a high school teacher in California, I can be pretty sure that I will have 32 names on each of my class rosters each semester. And in some cases, I'll have more.

Peterson arrives at his number by lumping all instructional employees into the teacher category. But isn't that a little misleading? Not once has an administrator directly helped teach my class. And guidance counselors? Their caseload is impossibly large as it is; they certainly don't have time to help me grade essays.

Peterson misrepresents class-size data and draws the flawed conclusion that class-size reduction is not working. This seems a disservice to the hard-working teachers of this nation who struggle every day to leave no child behind in shamefully overcrowded classrooms. Class-size reduction isn't working because it doesn't exist.

Peterson is right to propose that the fiscal crisis affords us the opportunity to reassess where our money is going. I just hope—if and when that conversation occurs—that teachers are a part of it. Too much of what passes as reform these days is anti-teacher, or at the very least, out of sync with what teachers are facing on the ground.

As teachers, we must find ways to interject our voice into the conversation.

Otherwise, we give permission to academics and bureaucrats to dictate next year's policies (and budgets). All that will be left is for us to ask, "How high?"

ALISTAIR BOMPHRAY
Teacher
Hayward, CA

Paul Peterson responds:

According to the official *Digest of Education Statistics*, released by the National Center for Education Statistics, the ratio of pupils to instructional employees in the United States declined from 14:1 in 1970 to 8:1 in 2005. Instructional employees include teachers, administrators, guidance counselors, librarians, and other professional educators. About half are teachers, which explains why the pupil-teacher ratio is 15:1, a decline from 23:1 since 1970. If class-size reduction hasn't happened, the reason can only be the result of inefficient utilization of instructional talent by school districts. In other industries, that is called "fat."

Book Review

The review by Chester E. Finn Jr. ("More Money for Less Accountability?" *book review*, Spring 2009) of Richard Rothstein, Rebecca Jacobsen, and Tamara Wilder's book *Grading Education: Getting Accountability Right* simply misses the mark.

The book at issue does not undermine school accountability and it is not about NAEP. What Rothstein and colleagues do is to document very well the ways in which accountability systems can and do corrupt the delivery of services as people manipulate the system. This was done in the case of hospitals with high heart-patient mortality rates that "fixed" the problem by simply no longer taking such cases. The authors look at how current education accountability systems have become similarly skewed and suggest some very useful alternatives.

Education accountability takes place at the school, district, and state levels. The levers available to the federal government are indirect; states are where the action and authority reside. Let the feds set expectations and parameters and hold systems accountable. Let us not pretend that the feds can deal directly with 100,000 schools and 13,000 school districts. We must think very carefully about whatever system is put in place. The potential for harm is great, the needs of children even greater. The importance of the right accountability system is too great to keep getting it wrong.

CHRISTOPHER T. CROSS
Chairman, Cross & Joftus
Bethesda, MD

**Genuine alternative
certification programs
may prove to be
our best hope for
putting in our schools
trained professionals
who can truly
make a difference.**

Genuine Alternatives

As Paul Peterson and Daniel Nadler ("What Happens When States Have Genuine Alternative Certification?" *check the facts*, Winter 2009) correctly assert, there is considerable resistance to genuine alternative certification in a number of states. The motive for this resistance is simply to preserve the power and influence of a traditional system that is becoming increasingly irrelevant with each passing year.

The traditional route to teacher certification, a college degree that requires

30-plus credit hours of education-related coursework, has created a kind of cult within the teaching profession. Those who acquire their teaching credentials through alternate means tend to be viewed as second-class citizens in the schools where they work.

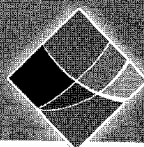
I have two sons, so I have had considerable interaction with teachers at several different schools over a fairly long period of time. Most teachers have gone through the traditional certification process at one of our states' public universities. In my experience, it is not unusual for teachers to 1) not really know that much about the test scores they are attempting to explain, and 2) be civil toward me yet completely discount most of the questions I ask and the concerns I raise. I am seen as an "outsider" and therefore my views can be taken with a proverbial grain of salt.

I have also taught a graduate course on testing and assessment for several years, and teachers typically constitute the largest segment of the class. It is obvious that many teachers have been indoctrinated with an exclusive attitude that suggests "unless you have been in the trenches, you can't possibly know what it's like, and therefore what could I possibly learn from you?" They believe that the traditional route to teacher certification has provided them with insights into reality to which the rest of us are not privy. This mindset signifies a false sense of competence and confidence that contributes to the gradual decline of the effectiveness of our entire education system.

Far from being the cause of many of the problems associated with our schools, genuine alternative certification programs may prove to be our best hope for putting in our schools trained professionals who can truly make a difference.

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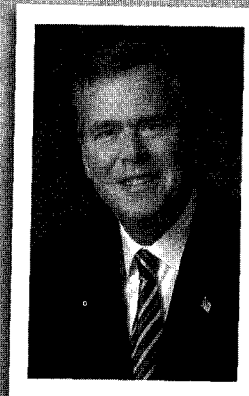
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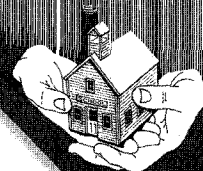
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Credits Crunched

Arizona rulings hit scholarships and special education vouchers

By MARTIN R. WEST

Arizona reemerged this year as the central front in the legal conflict over private school choice, with three cases challenging four programs decided within six weeks. Plaintiffs included the state's teachers unions, the Arizona School Boards Association, the American Civil Liberties Union of Arizona, and the

People for the American Way. The Institute for Justice, which coordinated the defense of Cleveland's school voucher program in the landmark 2002 *Zelman* case, intervened on behalf of program beneficiaries in each case.

While the participants were familiar, the challenges were in other respects unusual. Two of the cases involved programs offering tax credits for donations to scholarship funds, which have elsewhere avoided legal challenge since a favorable ruling from the Arizona Supreme Court in 1999. Equally uncharacteristic was litigation involving voucher programs for students with special needs and those in foster care. Politically popular and seemingly consistent with the practice of private placement under the federal Individuals with Disabilities Education Act, special-education voucher programs in Florida, Georgia, Ohio, and Utah have not faced court challenge.

The longest-running of the cases, filed in federal court in 2000, alleged that Arizona's individual tax-credit program violates the establishment clause of the U.S. Constitution by permitting organizations to provide scholarships to students that can be used only at religious schools. This, plaintiffs argued, means that participating parents lack "true private choice" as defined by *Zelman*. Defendants responded that the program offers choice to both taxpayers claiming the credit and parents accepting scholarships, thus achieving "a double attenuation separating the state and religion." They also asserted that the program must be evaluated in light of the full range of choices available to Arizona parents, including interdistrict transfers and ample charter schools.

A Ninth Circuit panel that included the famously liberal Stephen Reinhardt sided with the plaintiffs. While it did not deem scholarship tax credits generally unconstitutional, the decision, if not overturned on appeal, will prevent religious organizations from participating in similar initiatives nationwide—including a parallel program for corporate donations upheld by an Arizona appellate court just weeks earlier.

The irony in the Ninth Circuit outcome is that the tax-credit mechanism, which Arizona adopted in order to avoid legal

The decision, if not overturned on appeal, will prevent religious organizations from participating in similar initiatives nationwide.

challenges, created a new pitfall; there is little doubt that a program that offered vouchers directly to parents instead would now be acceptable as a matter of federal law. Still, the value of tax-credit programs in states with strong constitutional prohibitions on aid to religious schools was confirmed by the near-simultaneous invalidation of Arizona's new voucher programs.

The Arizona Supreme Court ruled in *Cain v. Horne* that voucher programs vio-

late the aid clause of the Arizona Constitution, which states, "No tax shall be laid or appropriation of public money made in aid of any...private or sectarian school." The court rejected the notion that vouchers aid students rather than schools, arguing that such an interpretation "would nullify the Aid Clause's clear prohibition." It thus ignored the state's argument that the clause would still ban grants to private schools for such purposes as teacher salaries even if the complaint were dismissed.

The court also failed to distinguish the programs from other Arizona policies through which beneficiaries use public funds to attend private and religious schools. Foster children, for example, become eligible at the age of 16 for grants of \$5,000 to be used at the college of their choice. And more than 1,000 special-education students annually are educated in private settings at public expense because their school districts could not meet their needs. If government officials, whose behavior the constitution is clearly intended to constrain, are able to make this choice, it is hard to see why parents should not also be able to do so.

Seven years after *Zelman*, court challenges continue to shape the pace and trajectory of choice-based reform in Arizona and elsewhere. The constantly evolving nature of the complaints suggests that opponents' objections are politically—not legally—motivated. It is unfortunate that they are succeeding in getting the courts to revisit policy decisions made by more representative bodies.

Martin R. West is assistant professor of education at the Harvard Graduate School of Education and an executive editor of Education Next.



The Preschool PICTURE

By CHESTER E. FINN JR.

The campaign for universal preschool education in the United States

has gained great momentum. Precisely as strategists intended, many Americans have come to believe that pre-kindergarten is a good and necessary thing for government to provide, even that not providing it will cruelly deprive our youngest residents of their birthrights, blight their educational futures, and dim their life prospects. Yet a troubling contradiction bordering on dishonesty casts a shadow over today's mighty push for universal pre-K education in America (see "Preschool Puzzle," *forum*, Fall 2008).

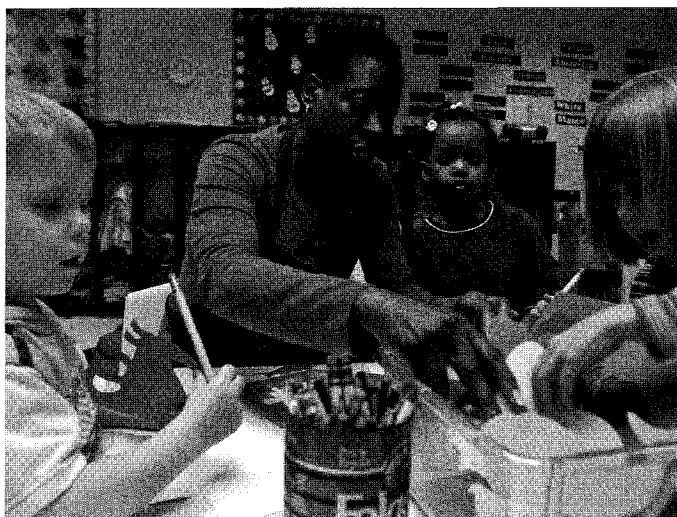
The principal intellectual and moral argument that advocates make—and for which I have considerable sympathy—is similar to that of No Child Left Behind (NCLB) backers: giving needy kids a boost up the ladder of educational and later-life success by narrowing the achievement gaps that now trap too many of them on the lower rungs. Serious pursuit of that objective would entail intensive, educationally sophisticated programs, starting early in a child's life, perhaps even before birth, and enlisting and assisting the child's parents from day one.

Focus funds on kids in need

Yet the programmatic and political strategy embraced by today's pre-K advocates is altogether different. They seek to furnish relatively skimpy preschool services to all 4 million of our nation's four-year-olds (and then, of course, all 4 million three-year-olds), preferably under the aegis of the public schools.

Either this discordant plan is a front for public school expansionism, bent on adding another grade or two to its current thirteen, and adding the staff (and dues-paying union members) that would

accompany such growth, or it's a cynical calculation: only by appealing to the middle-class desire for taxpayers to underwrite the routine child-care needs of working parents will any movement occur on the pre-K front, and the heck with the truly disadvantaged youngsters who need more than that strategy will yield. On balance, it appears to me, the interests of poor kids are being subordinated to the politics of getting something enacted. And the unabashed reasoning behind this strategy is that nothing will be done if it's only for the poor. That's nonsense. America is awash in enormous, well-funded programs that target the poor.



ALL PHOTOS / AP IMAGES

front, too. The whopping economic-stimulus package enacted in February included \$2.1 billion more for Head Start and \$2 billion more for child care, plus additional funding for disabled

preschoolers and some \$54 billion in assistance to state and local education budgets.

In state capitals, meanwhile, many governors have embraced preschool with something like the fervor they brought to K-12 education reform during the late 20th century. Pre-K and kindergarten-expansion proposals topped their priorities in myriad "state of the state" messages in 2008. Even as the economy slowed and budgets tightened, state-funded pre-K

Medicaid and Pell Grants leap instantly to mind. And in the early-childhood field, of course, there is already Head Start—spending more per pupil than any universal pre-K program is likely to cost—as well as chunks of the big Title I program that pay for pre-K education.

Surely the advocates know this. Why, then, do they deny it?

Growing Interest

Pre-kindergarten is one of the hottest topics in American education in 2009. Twice during the presidential-campaign debates, Barack Obama termed early-childhood education one of his highest priorities, and even before serious planning got under way for an antirecession "stimulus" package, he had pledged to this priority an additional \$10 billion in annual federal funding. Education secretary Arne Duncan is a strong booster of pre-K education, and Congress is busy on this

Middle-class kids with attentive, educated parents, grandparents, and other adults in their lives tend to acquire skills through the course of conventional child rearing.

programs added more than 100,000 youngsters, meaning that about one in four four-year-olds now takes part in such programs.

Preschool also looms large for some prominent education analysts who doubt that K-12 schooling alone can accomplish much gap closing

due to other powerful forces in the lives of children and families. In this view, school-centric initiatives such as NCLB are destined to fail because they don't start early enough and don't address those outside forces. Instead, they urge a "broader, bolder" approach that includes sharply increased investment in "developmentally appropriate and high-quality early childhood, preschool, and kindergarten education."

This widening enthusiasm for universal or near-universal pre-K education is no accident. In the background, plenty of strings are being tugged and dollars spent, particularly by the \$6 billion Pew Charitable Trusts, which has made universal pre-kindergarten one of its top priorities,

investing \$50 million in this effort as of 2006. Many other foundations and individual philanthropists are similarly engaged. As a result, a half dozen energized, high-profile national groups now fill cyberspace, policymakers' in-boxes, and committee witness lists. Many of them also have affiliates advocating away in state capitals.

Though some cracks have recently appeared in these widely held positions, as a handful of partisans now favor intensive programs targeted at a relatively small group of acutely disadvantaged children, most of the advocacy effort is still directed toward universality: pre-kindergarten for every American four-year-old.

Who Needs It?

Many youngsters arrive in kindergarten with learning deficits. For some, these deficits

indicates that they number about 10 percent, maybe 15 to 20 percent, of all children.

There's also evidence, though much debated, that ultra-intensive pre-K programs can remedy the deficits. But the programs commonly cited in this regard—notably Michigan's Perry Preschool and North Carolina's Abecedarian Project—turn out to be truly exceptional. These were richly financed, highly sophisticated, multifaceted interventions in the lives of extremely disadvantaged youngsters and their

families, and they took place decades ago. The University of Maryland's Douglas Besharov calls them "hot-house programs," noting that they were "run by top-notch specialists,...served fewer than 200 children, cost at least \$15,000 per child per year in today's dollars, often

What matters most is a program's effectiveness in imparting essential school- readiness skills to its young participants.

are mild and can be dealt with by competent early-grade teachers. For others, the shortfalls are already so severe that these hapless tykes are gravely unprepared to flourish in today's more "academic" kindergartens. This means that—barring some change or miracle—those children won't likely be ready to prosper in 1st or 2nd grade and beyond. They typically bring their learning deficits from disorganized homes in troubled neighborhoods, places where ill-prepared and overstretched adults, very often young single moms with minimal education of their own, offer babies and toddlers too little true conversation, intellectual stimulation, and cognitive growth.

Large bodies of research make clear that whether children successfully acquire literacy skills in the early grades of school correlates strongly with a half dozen "precursor" skills that are normally picked up between birth and age five, skills such as knowing the letters of the alphabet and their sounds, and being able to write those letters—and one's own name.

Middle-class kids with attentive, educated parents, grandparents, and other adults in their lives tend to acquire these (and many other) skills through the course of conventional child rearing. But what about youngsters whose lives lack a sufficient number of such adults? The evidence

involved multiple years of services, had well-trained teachers, and instructed parents on effective child-rearing. Significantly, the children they served had low IQs or had parents with low IQs."

Some studies have found that these programs had positive impacts on their participants that endured into adulthood, such as reducing the likelihood of incarceration. That's obviously encouraging, albeit somewhat remote from school readiness. But the long-term effects also turned out to be uneven and mostly small. Besharov and his colleagues note, for example, that the Abecedarian Project "achieved positive and lasting gains on a wide range of cognitive and school-related outcomes, including IQ, reading, and mathematics achievement scores." Yet "these gains became ambiguous as time went on" and "did not lead to many improved outcomes in adulthood...with, for example, no statistically significant differences in high school graduation rates, employment, or criminal activity."

It's almost impossible to picture the conditions, circumstances, and cost structures of these boutique programs being replicated on a large scale. And it's naive to suppose that their intensive features would be found in the sort of universal program that pre-K advocates are bent on creating.

As for more-typical pre-K programs, a number of studies find that they produce desirable short-term effects, especially for disadvantaged youngsters. As Berkeley sociologist Bruce Fuller says,

The short-term effects of preschooling...on poor children's cognitive growth are well established....The general effect size—even for poor children—ranges from one-fifth to one-third of a standard deviation.... Significant benefits [also] accrue to children from middle-class households, but at considerably lower levels of magnitude.

But the big issue with pre-K education is whether the gains and gap reductions last.

Study after study showed time and again that Head Start impacts on cognition were feeble and transitory.

condition of standards and quality criteria in this field. While the K–12 policy world now mostly equates quality with academic outcomes, the pre-K world remains fixated on inputs like spending levels, staffing ratios, and college degrees. Of the three most widely used measures of quality in the field of early education—the Early Childhood Environment Rating Scale (ECERS), the standards of the National Association for the Education of Young Children (NAEYC), and those of the National Institute for Early Education

Research (NIEER)—none pays much heed to whether the “graduates” of preschool programs are ready for academic success in kindergarten and beyond.

The situation is hard to rectify because assessment in this domain is underdeveloped and heavily dis-

Evidence is limited because the longitudinal studies needed to answer such questions are costly, complex, and obviously time-consuming. But the available evidence is profoundly discouraging. Most of the gains that can be found upon entry into school ebb over time, and the differences attributable to various kinds of programs tend to wash out, too. In fact, effects that may appear significant at the conclusion of the program itself frequently fade to the vanishing point by the time youngsters have progressed as far as 3rd grade. That fadeaway doubtless has more to do with what happens to students in the K–12 system—and the continuing malignant influences in the outside lives of many youngsters—than with preschool programs themselves. But it also suggests that universalizing the preschool experience is not the way to achieve lasting gap reduction. Indeed, as Fuller and others have noted, if the policy goal is to narrow gaps between haves and have-nots, why would the same programmatic intervention be administered to everybody?

Confusion Reigns

It's no wonder the evidence about the effects of preschool is confused and ambiguous, given the shaky, antiquated

puted and because many early-childhood educators care more about noncognitive elements of child development. To be sure, particularly when dealing with small children, adults must attend to “the whole child” and to varied developmental needs. Still, in today's pre-K policy context, what matters most is a program's effectiveness in imparting essential school-readiness skills to its young participants, principally in the cognitive domain. Key attributes of such programs include clear goals, accurate assessments, and a willingness to be judged by outcomes as well as by the high-quality classroom interactions most apt to yield them. But that isn't how most early-childhood educators prefer to view their work, much less to be evaluated on their performance.

The Problem of Head Start

Nowhere is resistance to structured, curriculum-based, standards-and-assessment-driven early education clearer than in the big, iconic, federal early-childhood program known as Head Start, a legacy of Lyndon Johnson's mid-1960s declaration of war on poverty.

feature
PRESCHOOL FINN

In a letter to Congress in February 1965, LBJ characterized his proposal as “a school readiness program for 100,000 children about to enter kindergarten.” Within a few years, however, studies began to suggest that the program was not, in fact, preparing children very well for regular school. In 1969, the Westinghouse Learning Corporation and Ohio University published the first major evaluation and concluded that while Head Start did commendable things for needy children by way of socialization and health care, its impact on cognition was nil once those youngsters reached the primary grades.



cognitive outcomes. That caused the National Head Start Association to go wild.

Much argument and rival testimony followed. The program's old guard won, its familiar assumptions were reinforced, and the wind went out of the reformers' sails. Although the most recent Head Start reauthorization pays lip service to the program's school-readiness role, no real enforcement mechanism remains or is likely to be reestablished any time soon.

Costs and Benefits

When one is looking at federal programs such as Head

This finding launched a four-decades-long battle over how to judge Head Start's effectiveness and whether it should even be regarded as an education program. Study after study—including comprehensive federal reviews in 1985 and 2005—showed time and again that the impacts on cognition were feeble and transitory. In response, Head Start's defenders and boosters, as well as the burgeoning and organized groups of program operators and staffers, denied ever more vociferously that the program is primarily about school readiness—and insisted that it ought not be appraised as such.

Concerned that Head Start participants benefited from little gap narrowing despite the expenditure of nearly \$10,000 in federal funds on each of them, Health and Human Services (HHS) assistant secretary Wade Horn mounted an ambitious effort in 2003 to beef up the program's preschool elements and to evaluate its providers on the basis of their

**Advocates' success in pushing
for more universal-style pre-K
programs is probably dimming
the prospects for intensive
interventions in the lives of the
neediest children and families.**

Start or the state programs being pressed by Pew and its grantees, the policy dilemma is inescapable: how important is it to expand participation in services whose effects are unpredictable and uneven or that don't last? It's a fine thing to give kids an early boost along life's highway. But how much of a priority can this be when, not far down that road, either those

kids slow down or others pick up speed (or both) and the pre-K advantage slowly ebbs?

A truly universal program, one that actually served all 4 million four-year-olds, would cost not less than \$11.6 billion a year at the low-budget end and as much as \$57.8 billion at the high-budget Perry Preschool end. Including three-year-olds would at least double those sums. If we assume universal participation and pick a midlevel cost—say, \$9,000 per child, which is close to where Head Start is today and approximates average per-pupil spending on K–12 public education—the outlay for

four-year-olds would be about \$36 billion per annum.

What's more troubling is this calculation: since 85 percent of four-year-olds already participate in some sort of pre-K program, as much as \$30 billion of that \$36 billion figure would replace money that is presently being spent—by federal or state programs, private charity, and out of pocket by parents—while as little as \$6 billion would go to pre-K services for children who currently have none. And that's if they participate. Since no pre-K program will be compulsory, at least some of the families that don't sign on today will not do so tomorrow, either because they're too disorganized or because they truly don't want it for their daughters and sons.

Could this large additional public expenditure be worth it? The most dramatic claims for “investing in young children” have been made by economist James Heckman, who argues that this is a fundamentally important national strategy for building human capital, enhancing workforce productivity, and reducing welfare-type outlays. His analyses have been widely cited by pre-K advocates and, we read, taken seriously by President Obama (presumably not just because they're both from Chicago). It's crucial to note, however, that Heckman actually confines himself to disadvantaged children, and that the evidence he cites is based on analyses from the Perry-style “hothouse” programs. Although this may strengthen the case for highly targeted, high-intensity intervention programs for seriously

Adding more years to the present public-education mandate would simply give ineffectual school systems additional time to fumble around while entangling pre-K education more tightly in the web of school politics.



disadvantaged preschoolers, it does little to advance the “universal” argument.

On the grounds of economic returns, in fact, Heckman plainly states that his analysis has led him to favor funding for targeted pre-K programs for disadvantaged youngsters, not those that enroll everyone. Writing in the *Wall Street Journal* in 2006, he acknowledged that, because “Children from advantaged environments received substantial early investment” from their families, “there is little basis for providing universal programs at zero cost.” Doing the latter, he explained, would be inefficient, costly, wasteful of public dollars, and probably not effective in helping poor kids. Ironically, advocates’ success in pushing for more universal-style pre-K programs is probably dimming the prospects for more Perry-style intensive interventions in the lives of the neediest children and families.

What to Do?

Society plainly has an interest in upgrading its human talent across the board, as well as in narrowing harmful and unjust learning gaps and ensuring that everybody has a fighting chance to develop their intellect and skills to the maximum. Yet it's not self-evident that society has a compelling interest in paying for pre-K education except insofar as it demonstrably and durably accomplishes one or more of those objectives.

If states took the \$4 billion that, according to NIEER, they're currently spending on universal-style pre-K programs and concentrated it on the roughly one-tenth of four-year-olds

feature
PRESCHOOL FINN

who most need intensive preschooling, they'd have about \$40,000 per child to spend. That amounts to a pretty decent kitty, enough to pay for more than two years of Perry Preschool or Abecedarian-style programming. Even stretched across the entire period from birth to age five, it would work out to about \$8,000 per child per year, without touching the separate federal child-care dollars, leveraging the Head Start appropriation, or tapping into other current public-sector spending on needy children (including the additional "stimulus" dollars that may or may not prove permanent).

Looking at the pre-K issue that way, one can begin to picture programs that might actually make a difference in young lives. Adding the \$10 billion per year envisioned by President Obama would multiply those present outlays.

A powerful case can be made for well-crafted experimentation and innovation in this arena. Despite all the pilot projects, studies, and evaluations, not enough is known with certainty about the essential elements of effective pre-K education and how to make those effects last. More also needs to be learned about the key elements of program quality (concentrating, one hopes, on results rather than on inputs) that can be successfully replicated and brought to scale. Nobody has yet devised the perfect pre-K program, and it's likely that different approaches will work better for different kids and circumstances. It is therefore folly for states not to try diverse designs and evaluate them all.

Head Start needs urgent attention, too, if policymakers are serious about preschool. Despite its popularity, despite the billions spent on it, and notwithstanding the decent job it does of targeting services on needy kids, today's Head Start, when viewed through the lens of pre-K education and kindergarten readiness, amounts to a wasted opportunity.

In a rational world, it would make vastly more sense—and cost the taxpayer far less money—to overhaul Head Start (and pre-Head Start and Early Head Start, etc.) utilizing existing programs that are already targeted, perhaps focusing them even more tightly on the neediest kids, making them start earlier and last longer, and insisting that they emphasize pre-literacy, vocabulary, and other school-readiness skills. Such programs would be delivered by standards-based, outcomes-focused, rigorously assessed providers who are willing to be judged and compared on the kindergarten readiness of their graduates.

Getting Head Start right—turning it into an effective pre-K program for poor kids—should be the focus of a joint

effort from education secretary Duncan and HHS secretary Katherine Sebelius. It could remain a separate, federally run enterprise, as it has been for four decades, though it would likely work better if states could merge programs and funding with their own intensive pre-K efforts. If Head Start stays separate, its educational effectiveness (and other outcomes) needs to be rigorously appraised, just as Wade Horn undertook to do in the previous administration.

But preschool policy cannot be made in a vacuum. Why the gains that it produces later dissipate and the gaps that it narrows later widen has much to do with unchanging home and neighborhood situations. But we must also ruefully acknowledge, despite all the K–12 education reform of recent decades, the crummy, ineffectual schools that most poor children still enter, the absence of decent choices among schools, and the system's still-widespread weak expectations, limp curricula, slipshod accountability, and ill-prepared, ill-compensated, ill-motivated, and often inexperienced teachers.

Sustaining whatever pre-K gains can be produced, especially for poor kids, is therefore principally a challenge for K–12 policy and practice. But that does not mean entrusting pre-K education to public-school systems. Today, those systems cannot even sustain their own gains, which is why American 4th graders tend to have stronger results than 8th graders, and high school students do less well than middle schoolers. Adding more years to the present public-education mandate would simply give ineffectual school systems additional time to fumble around while entangling pre-K education more tightly in the web of school politics, federalism disputes, bureaucratic rigidities, and adult interest groups.

Preschool, done right, tightly targeted, and intensively delivered, with sound cognitive standards, quality criteria and readiness assessments, is the proper work of early-childhood educators and what is already a vast preschool and child-care industry. Capitalizing on, maintaining, even magnifying the results of such early education is the proper work of the primary-secondary system—in addition, that is, to all the other serious challenges that confront it.

Chester E. Finn Jr. is president of the Thomas B. Fordham Foundation, senior fellow at the Hoover Institution, and senior editor at Education Next. This article is excerpted and adapted from Reroute the Preschool Juggernaut (Education Next Press, May 2009).

The Persuadable Public

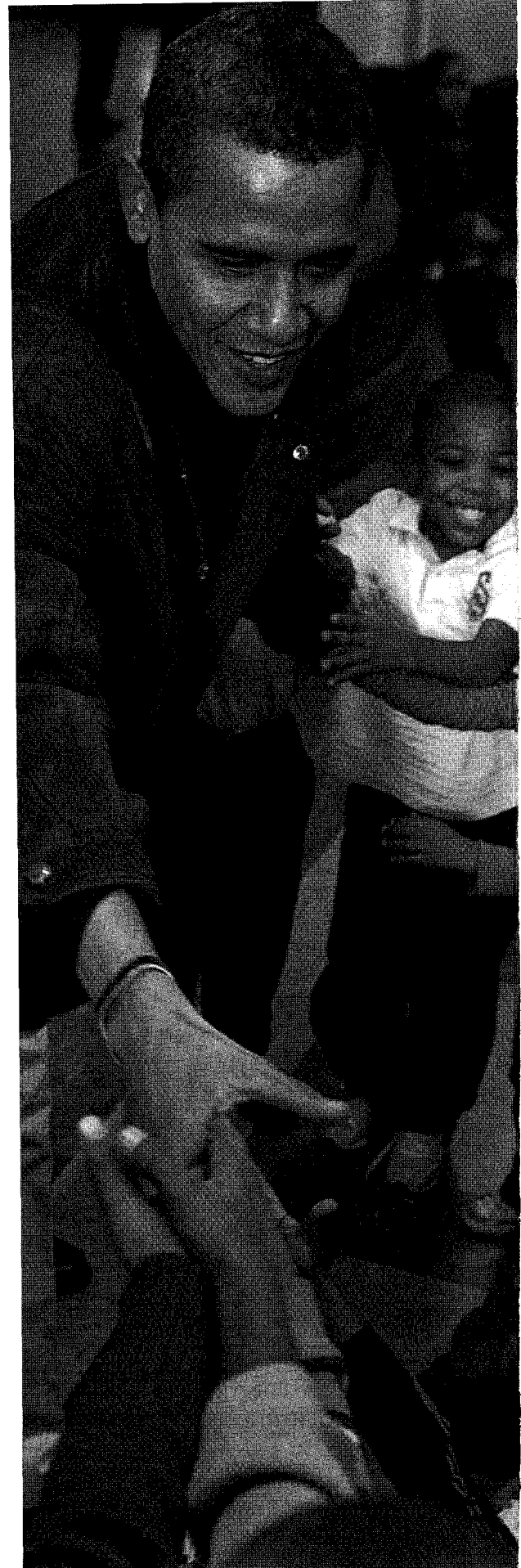
**The 2009
Education Next-PEPG Survey
asks if information
changes minds about school reform**

What do Americans think about their schools?

More important, perhaps, what would it take to change their minds? Can a president at the peak of his popularity convince people to rethink their positions on specific education reforms? Might research findings do so? And when do new facts have the potential to alter public thinking? Answers to these questions can be gleaned from surveys conducted over the past three years under the auspices of *Education Next* and Harvard's Program on Education Policy and Governance (PEPG). (For full results from the 2009 survey, see www.educationnext.org; for the 2007 and 2008 surveys see "What Americans Think about Their Schools," *features*, Fall 2007, and "The 2008 *Education Next*-PEPG Survey of Public Opinion," *features*, Fall 2008).

In a series of survey experiments, we find a substantial share of the public willing to reconsider its policy prescriptions for public schools. But this responsiveness is not uniform: presidential appeals are more persuasive to fellow partisans than to those who identify with the opposition party, research findings have the greatest impact when an issue remains unsettled, and learning basic facts has the biggest impact when those facts are not well known. None of this comes as a surprise, until one considers how stable aggregate public opinion has been over time.

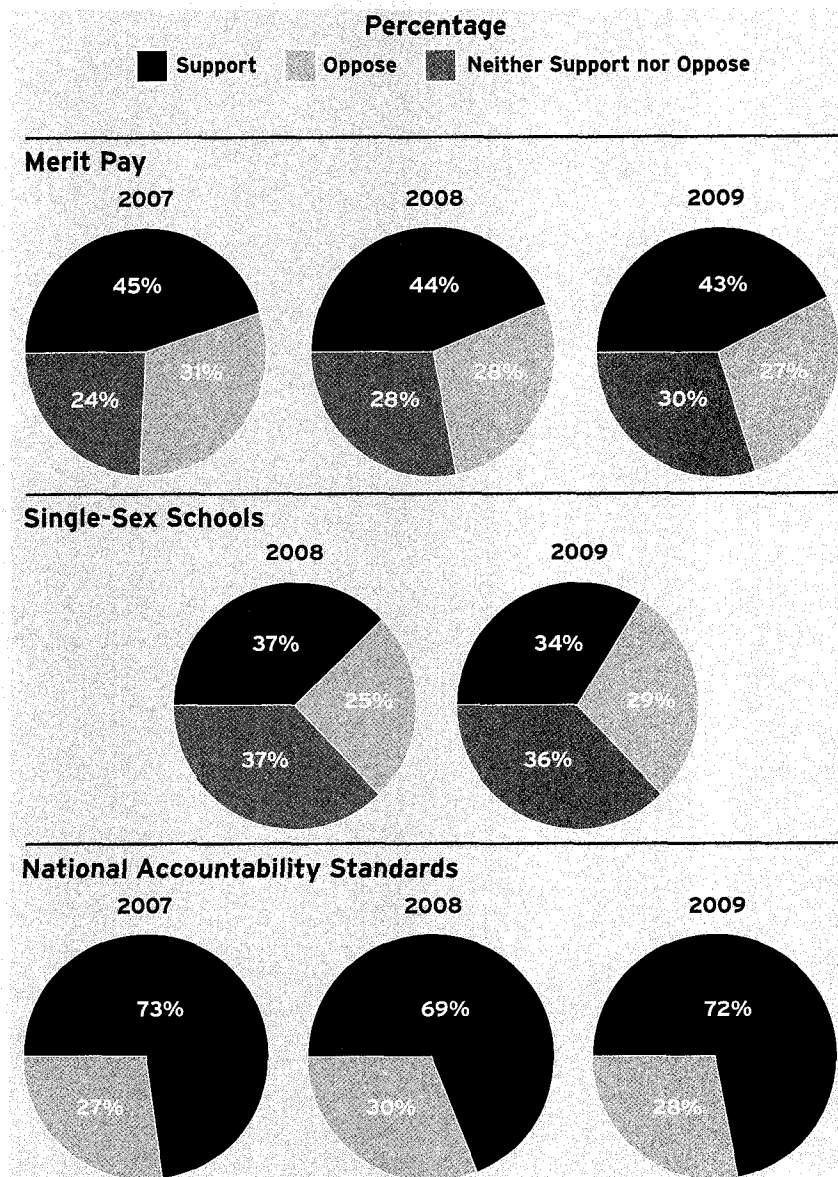
**By WILLIAM G. HOWELL, PAUL E. PETERSON,
and MARTIN R. WEST**





A Constant Public (Figure 1)

On many issues, public opinion changes little from one year to the next.



Questions

Merit Pay

Do you favor or oppose basing a teacher's salary, in part, on his or her students' academic progress on state tests?

Single-Sex Schools

2008 and 2009: Some people have proposed that public school districts offer parents the option of sending their child to an all-boys or all-girls school. What do you think about this proposal?

National Accountability Standards

2007: Under No Child Left Behind, should there be a single national standard and a single national test for all students in the United States?

2008 and 2009: For holding schools accountable, should all state governments adopt the same set of educational standards and give the same tests in math, science and reading?

SOURCES: Education Next-PEPG surveys 2007, 2008, 2009

Individual Volatility but Collective Stability

The opinions expressed by individuals, when surveyed on political issues to which they have not given much thought, can appear so fragile as to be meaningless. More than one psephologist has shown that it is not uncommon for people, when repeatedly asked the same question, to give a positive response the first time, offer a negative one on the second occasion, and then return to a positive position the third time around. In such situations, opinions seem to be so lightly held they lack any content whatsoever.

Our own data likewise reveal a fair amount of volatility in the views expressed in the three *Education Next*-PEPG surveys by individual respondents, many of whom participated in multiple years. Of those asked to grade the nation's public schools in both 2008 and 2009, for example, only 59 percent assigned the same grade both years. Among those who gave a grade of "A" or "B" in 2008, 46 percent awarded a grade of "C" or lower in 2009.

Numerous respondents also expressed different views on controversial policy issues across survey years. Among those who either completely or somewhat supported merit pay in 2008, 34 percent did not give that support one year later. Conversely, 29 percent of respondents who either completely or somewhat opposed the policy in 2008 did not express that opposition the next year. Similar churning is evident in the responses to questions concerning single-sex public schools, charter schools, and national standards.

The flip-flop that characterizes as much as one-third of individual responses does not produce equally large fluctuations in aggregate public opinion, however. On the contrary, the percentage of Americans holding to a particular point of view typically remains stable from one year to the next. On two-thirds of the domestic issues studied by political scientists Benjamin Page and Robert Shapiro, opinion did not change by more than 5 percentage points, despite the fact that years separated the fielding of different surveys. In the aftermath of major events—wars, economic recessions, or a terrorist attack—the views of the public as a whole may change abruptly and dramatically. More commonly,

though, public opinion either holds firm or eases slowly in one direction or another.

Thinking on education policy follows the general pattern. In the three years of *Education Next*–PEPG surveys, we found little change in the responses to many of the questions posed in identical or similar ways across successive years (see Figure 1). Public opinion held steady on such issues as the introduction of merit pay for teachers, setting of uniform educational standards across the country, and the desirability of single-sex education.

Nor did the public's evaluation of American schools change much between 2007 and 2009, despite the media drumbeat of negative information about dropout rates and test scores. Indeed, the percentage of those surveyed willing to give the nation's schools an "A" or a "B" slipped by just four points, from 22 percent in 2007 to 18 percent in 2009. Meanwhile, the share of adults giving schools a "D" or an "F" hovered around 25 percent throughout the three-year period (see Figure 2).

What accounts for the differences between individual and aggregate public opinion? Undoubtedly, part of the explanation is measurement error. Some of those answering our survey questions may have simply misread or misunderstood the questions in one year or the other, so their opinion seems to have changed when in fact it did not. Ordinarily, that kind of error balances itself out, as mistakes by one individual offset opposite errors by another.

But it seems unlikely that a third of our respondents would make such mistakes, and a substantial body of research on political behavior suggests that something else is going on as well. One prominent theory emphasizes the influence of public discourse. When people answer a survey item, they often draw upon a recent media report they have heard or conversation they have had with friends, relatives, or co-workers. Individual responses, then, vary from week to week as people are exposed to different claims. Collective opinion, however, remains constant so long as the general discourse does. If that theory is correct, then opinion in the aggregate changes only when public discourse shifts—either by a major event or with the introduction of a new fact or a new political force.

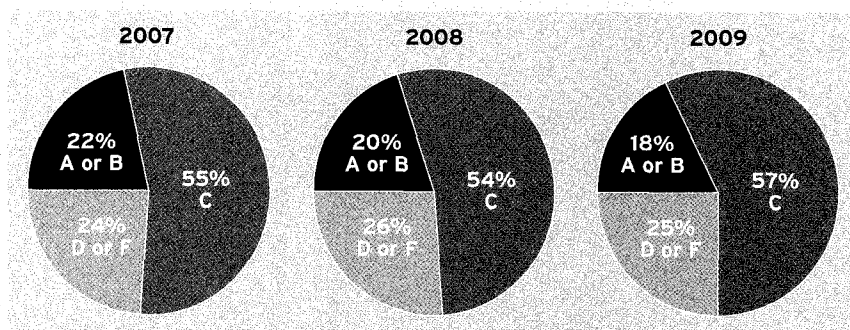
On some education issues, public discourse has changed since 2007. For instance, support for the federal No Child Left Behind Act has eroded, as evidence accumulated that the federal law was not living up to the promise of its grossly overstated name and politicians in both major parties found it to be an easy target (see Figure 3). Between 2007 and 2008, the

share of adults who thought the law should be renewed (with no more than minor changes) fell by 7 percentage points. Support for the law stabilized after 2008, however, and roughly half the population still supports its reenactment with no more than modest revisions. And as we saw in previous years, a randomly selected group of respondents who were asked about "federal accountability policy" rather than "No Child Left Behind" expressed even higher levels of support.

Similarly, as the current recession deepens, we see hints of growing taxpayer resistance to the rising cost of education. Support for increased spending on public education fell from 51 to 46 percent between 2007 and 2009. Confidence that spending more on schools would enhance school quality fell by a similar amount, from 59 to 53 percent. Still, these changes remain modest. Facing the most significant economic downturn since

Consistent Grades (Figure 2)

America's school grades slide downward, but only slightly.



Questions

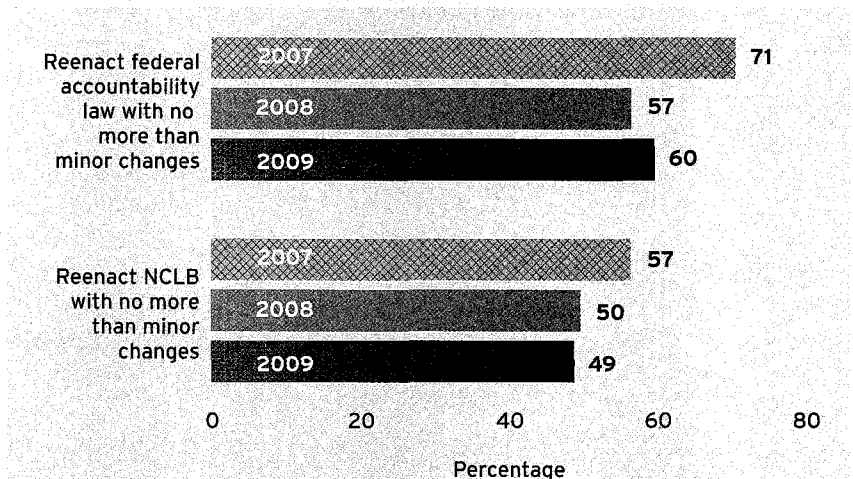
2009: Students are often given the grades A, B, C, D, and Fail to denote the quality of their work. Suppose the public schools themselves were graded in the same way. What grade would you give the public schools in the nation as a whole?

SOURCES: *Education Next*–PEPG surveys 2007, 2008, 2009

the Great Depression, most Americans continue to support increased spending on their local public schools.

What would it take, then, to move aggregate public thinking decisively in one direction or another? Might influential public figures, research findings, or factual knowledge lead at least some portions of the American public to update its thinking? To find out, we divided the more than 3,000 respondents to our 2009 survey into randomly chosen groups. The first group was simply asked its opinion about a policy question, while the second (and often a third or fourth) group was given some additional piece of information, such as the president's position on the issue, a research finding, or a key fact. By comparing answers given by the different groups, which should be similar in composition, it is possible to gauge the impact of these additional sources of information on the public's views. (For more methodological details, see sidebar on page 29.)

Support for No Child Left Behind (NCLB) Stabilizes after 2008 (Figure 3)
But NCLB, the title, remains less popular than the concept of federal accountability.



Questions

Reenact NCLB

2007: As you may know, the No Child Left Behind Act requires states to set standards in math and reading and to test students each year to determine whether the standards are being met. This year, Congress is deciding whether to renew the No Child Left Behind Act. What do you think Congress should do? Should they... (a) Renew the Act as is, (b) Renew with minimal changes, (c) Renew with major changes, (d) Not renew at all?

2008 and 2009: As you may know, the No Child Left Behind Act requires states to set standards in math and reading and to test students each year to determine whether schools are making adequate progress, and to intervene when they are not. This year, Congress is deciding whether to renew the No Child Left Behind Act. What do you think Congress should do? Should it... (a) Renew the Act as is, (b) Renew with minimal changes, (c) Renew with major changes, (d) Not renew at all?

Reenact Federal Accountability Law

2007: As you may know, federal legislation requires states to set standards in math and reading and to test students each year to determine whether the standards are being met. This year, Congress is deciding whether to renew this federal legislation. What do you think Congress should do? Should they... (a) Renew the Act as is, (b) Renew with minimal changes, (c) Renew with major changes, (d) Not renew at all?

2008 and 2009: As you may know, federal legislation requires states to set standards in math and reading and to test students each year to determine whether schools are making adequate progress, and to intervene when they are not. This year, Congress is deciding whether to renew this federal legislation. What do you think Congress should do? Should it... (a) Renew the Act as is, (b) Renew with minimal changes, (c) Renew with major changes, (d) Not renew at all?

SOURCES: Education Next-PEPG surveys 2007, 2008, 2009

student learning. We did not specify a specific study, as the point was not to estimate the influence of any particular piece of research but rather the potential impact such evidence might have.

Merit Pay: When asked for an opinion straight out, a slight plurality of Americans sampled—43 percent—supported the idea of “basing a teacher’s salary, in part, on his or her students’ academic progress on state tests.” Twenty-seven percent opposed the idea, with the remaining 30 percent undecided. As noted above, that pattern of opinion has hardly budged since 2007.

Such stability over time, however, masks a propensity of some Americans to alter their views in light of an appeal by a popular political leader. Those informed of President Obama’s support for merit pay favored the idea by 13 percentage points more than those not so informed (see Figure 4). Obama’s backing had a particularly dramatic impact on African Americans, whose support jumped by 23 percentage points. Even many teachers were persuaded. Initially, only 12 percent of those not informed of Obama’s opinion thought merit pay a good idea, but that number jumped to 31 percent among those told of the president’s position. Obama’s endorsement caused support among Democrats to rise from 41 to 56 percent. Among Republicans, too, backing for the idea rose, albeit by a lesser amount (from 48 to 59 percent).

By comparison, policy research on the topic had a modest impact on public think-

ing. Among those told that “a recent study presents evidence that students learn more when their teachers are paid, in part, according to their students’ academic progress on tests,” support for merit pay climbed by just 6 percentage points above the support given when that information was withheld. The one subgroup to register especially large changes was African Americans, among whom support skyrocketed by 28 percentage points. Democrats were somewhat more responsive to research evidence than other segments of the public, with their support for merit pay increasing by 10 percentage points.

School Vouchers: Public opinion on school vouchers varied somewhat, depending on the way in which the question was worded. To one group of respondents we presented the issue as follows: “A proposal has been made that would give low-

Professors or Politicians: Who Is More Influential?

We fielded our survey in March of 2009, when newly elected president Barack Obama enjoyed public approval ratings above 60 percent. The timing of the survey provided an ideal opportunity to estimate the impact an endorsement by a popular president can have on policy views.

To ascertain the president’s influence, we conducted some simple experiments. On three topics—merit pay, charter schools, and school vouchers—one group of survey respondents was asked its opinion without any special prompt. Another group was first told the president’s position on the issue before being asked for its own. A third group was instead told about evidence from research on the policy’s effects on

income families with children in public schools a wider choice, by allowing them to enroll their children in private schools instead, with government helping to pay the tuition. Would you favor or oppose this proposal?" In this instance, 40 percent of the respondents gave a favorable reply and 34 percent a negative one, with 27 percent taking a middling position. But when we posed the question slightly differently—asking about a "proposal that would use government funds to help pay the tuition of low-income students whose families would like them to attend private schools"—just 35 percent supported the idea. In this instance, a small alteration in wording shifted public opinion by 5 percentage points.

We also find that public support for vouchers declined by 5 percentage points between 2008 and 2009, perhaps as

Charter Schools: Most Americans have yet to make up their minds about charter schools. Though 39 percent expressed support and only 17 percent signaled opposition in 2009, 44 percent remained undecided. These responses look much as they did in both 2007 and 2008, an indication that public discourse on charters has not changed significantly in recent years.

Despite that stability of public opinion about charters, aggregate support increased by 11 percentage points when respondents were told that Obama backed them (see Figure 4). We again found evidence that Obama's impact has a partisan tinge. Among his fellow Democrats, Obama's support is an unmitigated asset for charter school advocates, lifting support from 35 to 47 percent. But among Republicans, the percentage favoring charters increased by only 5 points (from

We also find that public support for vouchers declined by 5 percentage points between 2008 and 2009, perhaps as a result of the opposition to vouchers expressed by most Democratic presidential candidates during that party's extended primary-election campaign, which conceivably could have altered the balance of public discourse.

a result of the opposition to vouchers expressed by most Democratic presidential candidates during that party's extended primary-election campaign, which conceivably could have altered the balance of public discourse. That interpretation is reinforced by the impact that President Obama's position can have on public opinion. Overall, the percentage favoring vouchers was 11 points lower among those informed of the president's opposition than among those not so informed (35 percent to 24 percent, see Figure 4). We also observed large partisan differences in the president's influence on this issue. Whereas just 30 percent of Democrats expressed opposition to vouchers when asked outright, 52 percent did so after hearing of Obama's opposition. By comparison, opposition among Republicans increased only slightly, from 50 to 54 percent. African Americans expressed higher levels of support for vouchers than did the population as a whole (57 percent), but support also was 12 percentage points lower among those African Americans told of presidential opposition.

A study that "presents evidence that students learn no more in private school than in public schools" depressed support for vouchers by 10 percentage points overall, an impact almost as large as presidential position taking. The same research evidence reduced support among Democrats by 15 percentage points, as compared to 6 percentage points for Republicans.

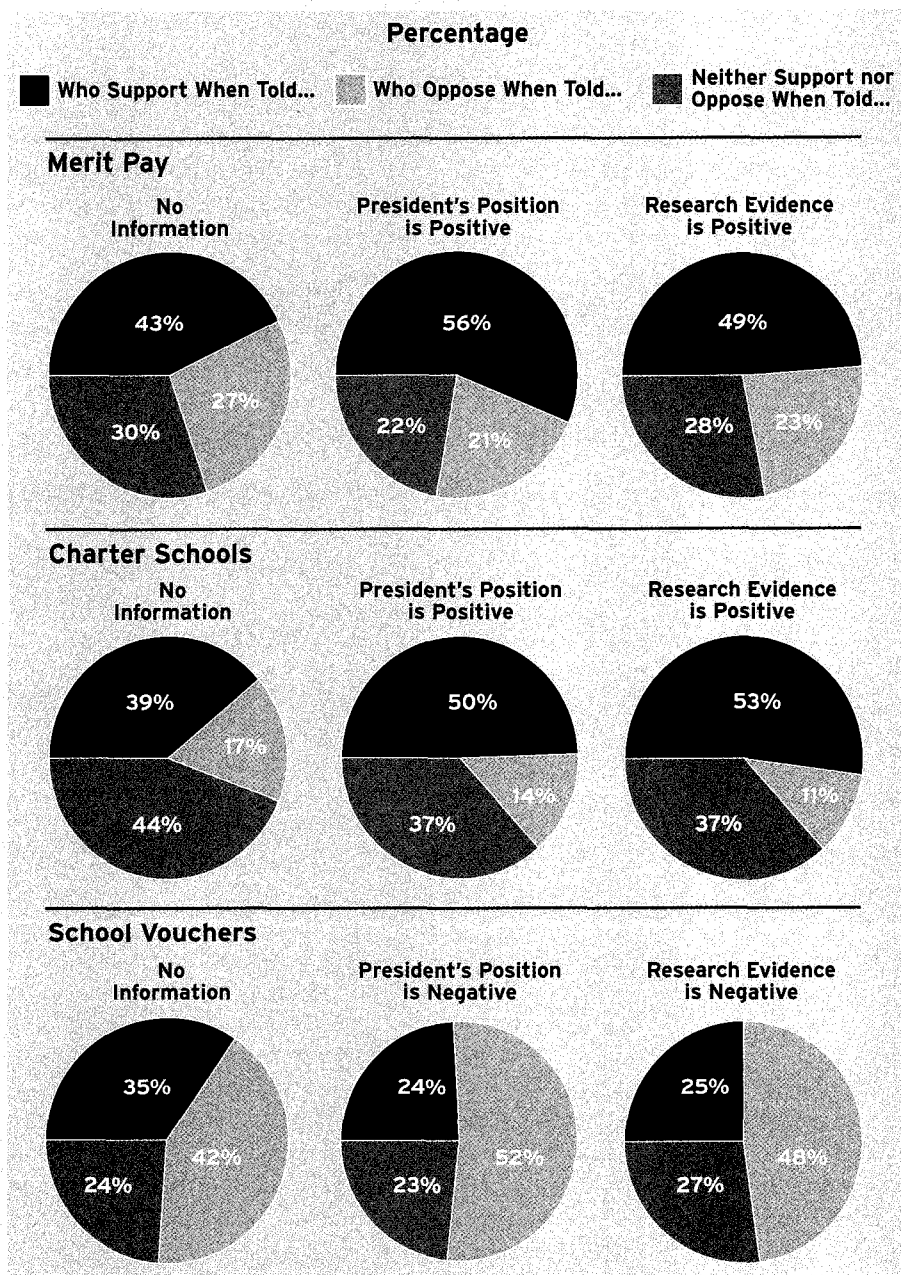
47 to 52 percent) upon learning of Obama's endorsement. That endorsement actually decreased the proportion of Republicans who "completely" supported charter schools, from 22 to 15 percent.

When it comes to charter schools, research findings appear every bit as influential as a popular president. Told that recent research showed "students learn more in charter schools than in public schools," support for charter schools rose by 14 percentage points. Among African Americans, the percentage who "completely" supported charter schools climbed by fully 23 percentage points, from 14 to 37 percent. Hispanics, meanwhile, were least persuaded by the evidence; only 5 percent altered their opinions. As they did on the previous items, Democrats appear to be more impressed by research than Republicans. Among those given evidence that charter schools enhance student learning, Democratic support for charter schools shot upward by 18 percentage points to 53 percent (compared to 35 percent among those not so informed), while the percentage of Republicans favoring such schools shifted by just 12 percentage points.

When all three issues—merit pay, vouchers, and charters—are considered together, a case can be made that new policy research, if communicated widely, can have an impact rivaling that of an influential president at the peak of his popularity. Admittedly, evidence from the research community does not have the same consistent impact on opinion as

Who Is More Powerful? Presidents or Professors? (Figure 4)

Policy research, if communicated widely, can influence opinion almost as much as the position of a popular politician on an issue.



SOURCES: Education Next-PEPG surveys 2007, 2008, 2009

Questions

Merit Pay

Do you favor or oppose basing a teacher's salary, in part, on his or her students' academic progress on state tests?

President Barack Obama has expressed support for the policy of basing teachers' salaries, in part, on their students' academic progress on tests. What do you think of this policy?

A recent study presents evidence that students learn more when their teachers are paid, in part, according to their academic progress on tests. What do you think of this policy?

Charter Schools

Many states permit the formation of charter schools, which are publicly funded but are not managed by the local school board. These schools are expected to meet promised objectives, but are exempt from many state regulations. Do you support or oppose the formation of charter schools?

President Barack Obama has expressed support for charter schools. What do you think? Do you support or oppose the formation of charter schools?

A recent study presents evidence that students learn more in charter schools than in public schools. What do you think? Do you support or oppose the formation of charter schools?

School Vouchers

A proposal has been made that would use government funds to help pay the tuition of low-income students whose families would like them to attend private schools. Would you favor or oppose this proposal?

President Barack Obama has expressed opposition to such a proposal. Would you favor or oppose this proposal?

A recent study presents evidence that students learn no more in private schools than in public schools. Would you favor or oppose this proposal?

Obama's position taking, which at the time of our survey could move overall public opinion by anywhere from 11 percentage points (in the case of charters) to 13 percentage points (in the case of merit pay). But the impact of a study is of comparable magnitude, ranging from 6 percentage points (in the case of merit pay) to 10 percentage points (in the case of

vouchers) to 14 percentage points (in the case of charters). Research appears particularly influential among Democrats and when the general public's own views have yet to take shape. That half the public has yet to make up its mind about charter schools may provide researchers with an opportunity to shape the public conversation going forward.

Stubborn Facts

How about raw facts concerning the state of American education? What does the public actually know about the performance of the nation's public schools and the resources devoted to them? And is the public willing to update its views when told the truth?

We conducted additional experiments to investigate these issues. In 2007, we asked respondents to estimate average per-pupil expenditures within their local school district and the average teacher salaries in their states. When we discovered that those surveyed, on average, underestimated per-pupil expenditures by more than half and teacher salaries by roughly 30 percent, we wondered whether people had equally

truth than the wildly inaccurate estimates that the public offered about teacher salaries and school expenditures.

The public was only slightly less accurate when it came to estimating how well 15-year-olds in the United States do in math, as compared to students in 29 of the leading industrialized countries. Here the correct answer, according to the latest tests administered by the Organisation for Economic Co-operation and Development's Program on International Student Assessment (PISA), is 24th out of 29th. Both the average and median guess was 18th, a bit more optimistic than actual PISA results but not too far off the mark. Clearly, Americans have not been deceived into believing that our students are outperforming their counterparts abroad.

When all three issues — merit pay, vouchers, and charters — are considered together, a case can be made that new policy research, if communicated widely, can have an impact rivaling that of an influential president at the peak of his popularity.

poor information about the performance of American high schools (see "Educating the Public," *features*, Summer 2009). So in 2009 we asked a random third of our sample to estimate high school graduation rates and another third to estimate the international standing of U.S. 15-year-olds in math. The remaining two-thirds of the sample was told the truth about one or the other of these matters, allowing us to see whether people's assessments of their schools differed when given accurate information.

To our surprise, the public had a far more accurate understanding of student performance than they had of teacher salaries and per-pupil spending. When it comes to high school graduation rates nationwide, the best available estimates from the U.S. Department of Education suggest that roughly 75 percent of those who enter 9th grade graduate within four years, a far cry from the goal of universal high school completion to which the president of the United States and all 50 governors in 1989 committed themselves to reaching by the year 2000. When asked to give their own estimate, without any hint or help as to what the right answer might be, those surveyed came up with an even more pessimistic estimate of 66 percent, 9 percentage points below actual levels. Excluding those respondents who gave answers of less than 25 percent (on the grounds that they may have misunderstood the question or not taken it seriously) increases the average estimate only slightly to 69 percent. Either estimate is nonetheless a good deal closer to, and a good deal less optimistic about, the

So what happens when the public is told the truth? Not much, it turns out, if people already have a pretty solid grasp of the relevant facts. When informed that 75 percent of students graduated from high school, the public took that as neutral to mildly good news, as the percentage giving schools an "A" or "B" increased by a trivial 2 points and the percentage getting a "D" or "F" dropped by 1 point (both statistically insignificant changes). Learning the truth about the international standing of American students had a bigger impact, reducing the share of respondents giving a grade of "A" or "B" from 18 to 13 percent and increasing the share of respondents giving a "D" or "F" by 10 percentage points (see Figure 5a).

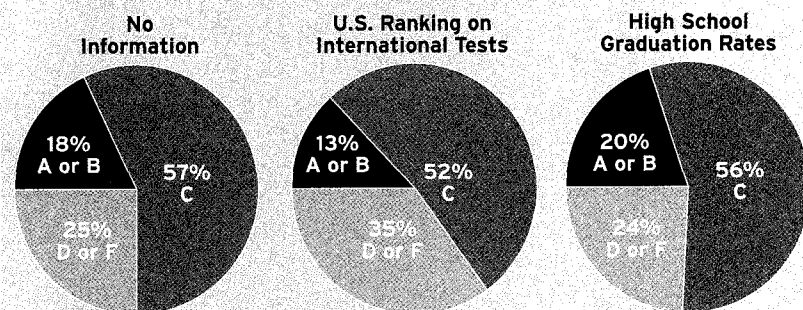
In the case of spending, however, learning the truth shifted opinion by a larger margin (see Figure 5b). For the nation as a whole, overall support for higher spending levels dropped by 8 percentage points (from 46 to 38 percent) when respondents were informed of actual per-pupil expenditures in their own district. The impacts of this information varied widely across subgroups. Told the truth about per-pupil expenditures, the share of African Americans willing to support additional spending plummeted from 82 to 48 percent. Perhaps not surprisingly, teachers held firm in their commitment to higher spending.

Even larger impacts are observed on support for increased teacher salaries. When informed about actual average teacher salaries in their state, respondents' support for higher salaries dropped by 16 percentage points (from 56 to 40 percent). In this

Learning the Facts (Figure 5a)

The public has fairly accurate information on graduation rates and the U.S. ranking in math; so telling them the facts hardly changes opinion.

Grades given schools when told...



Questions

Percentage Giving Schools Grades A, B, C, D, F

Students are often given the grades A, B, C, D, and Fail to denote the quality of their work. Suppose the public schools themselves were graded in the same way. What grade would you give the public schools in the nation as a whole?

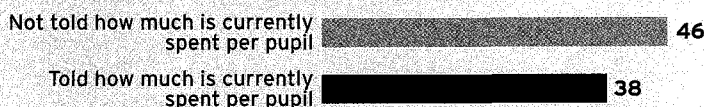
A 2006 government survey ranked the math skills of 15-year-olds in 29 industrialized countries. In this survey, the United States ranked 24th. Students are often given the grades A, B, C, D, and Fail to denote the quality of their work. Suppose the public schools themselves were graded in the same way. What grade would you give the public schools in the nation as a whole?

According to the most recent available data, roughly 75 percent of 9th graders in U.S. public schools graduate from high school within four years. Students are often given the grades A, B, C, D, and Fail to denote the quality of their work. Suppose the public schools themselves were graded in the same way. What grade would you give the public schools in the nation as a whole?

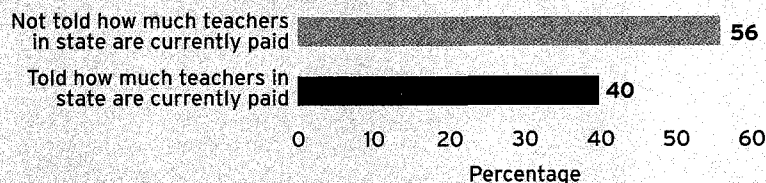
(Figure 5b)

But the public doesn't know spending levels or teacher salaries; so learning the facts alters opinion.

Percent supporting increased spending when...



Percent favoring higher teacher salaries when...



Percent Supporting Increased Spending

Do you think that government funding for public schools in your district should increase, decrease, or stay about the same?

According to the most recent information available, in your district [Respondent given amount] is being spent each year per child attending public schools. Do you think that government funding for public schools in your district should increase, decrease, or stay about the same?

Do you think that teacher salaries in your state should increase, decrease, or stay about the same?

In your state, teachers are paid an average annual salary of [Respondent given amount]. Do you think that these teacher salaries should increase, decrease, or stay about the same?

SOURCES: Education Next-PEPG surveys 2007, 2008, 2009

instance, roughly comparable impacts are observed for all three ethnic groups. But as one might again expect, teachers' support for high salaries was relatively undiminished, dropping just 6 percentage points (from 77 to 71 percent).

Why does the public have a generally accurate understanding of school performance but a gross misunderstanding of the amount that is spent on education? The answer may have to do with the availability of information on these issues. It is true that the U.S. Department of Education regularly releases information on all four topics in the same document, the *Digest of Education Statistics*. But student dropout rates and student performance on international tests receive much more extensive attention in the news media than information about per-pupil spending in individual school districts or teacher salaries in specific states. The cost of education is divided among federal, state, and local governments, and the total sums are difficult to assemble until that is done by the federal government several years after the fact.

It is unlikely that organizations outside of the media are likely to pick up the slack. With a large share of the population convinced that schools and teachers should be given more money, or at least be held harmless, few if any interest groups or politicians have an incentive to dramatize the fact that spending levels and teacher salaries are much higher than most people believe. So school reformers instead focus on low test scores and high dropout rates as justification for merit pay, school accountability initiatives, and other school choice reforms. The public may only learn about the true cost of education when a popular political figure stakes a political career on telling them. That, we suspect, is as likely as the Cubs winning the Super Bowl.

Surveys and Realities

Our experiments only hint at what could happen in the real world of school politics. It is one thing to inform a captive audience of survey respondents about the president's position, the results from research, or a key fact about American education. Reaching the entire American public is a completely different matter. To change opinions, one must get the public's attention. And that is no easy task, when jobs, family life, entertainment, and sports command a higher

priority in most households. Only 38 percent of the respondents to our survey report paying “a great deal” or “quite a bit” of attention to education issues. And even the power of presidents is limited by the large number of issues to which they must attend. President Obama’s genuine thoughts on such matters as merit pay, charters, and vouchers, however deeply held, necessarily command far less of his time and energy than the multitude of foreign policy, economic, and other domestic problems to which he must devote his attention.

Still, our findings suggest that a well-publicized stance taken by a popular president on an education issue might shift the opinions of large segments of the American public. Similarly, scholarship appears to be a potent weapon for groups with policy agendas they wish to pursue, as the committed can broadcast research findings with great repetition. Indeed, any

group that seeks to change public opinion without gathering research to back its positions is leaving a flank unprotected. Finally, advocates are well advised to search for facts the public does not understand, and then to communicate those facts as widely as they can. Just as nothing affects opinion about an ongoing war as quickly as communiqués from the front, so too a better understanding of the facts about the public schools could in the long run shape American education.

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Survey Methods

This survey, sponsored by *Education Next* and the Program on Education Policy and Governance (PEPG) at Harvard University, was conducted by the polling firm Knowledge Networks (KN) between February 25 and March 13 of 2009. KN maintains a nationally representative panel of adults, obtained via list-assisted random digit-dialing sampling techniques, who agree to participate in a limited number of online surveys. Because KN offers members of its panel free Internet access and a WebTV device that connects to a telephone and television, the sample is not limited to current computer owners or users with Internet access. When recruiting for the panel, KN sends out an advance mailing and follows up with at least 15 dial attempts. The panel, then, is updated quarterly. Detailed information about the maintenance of the KN panel, the protocols used to administer surveys, and the comparability of online and telephone surveys is available online (www.knowledgenetworks.com/quality/).

The main findings from the *Education Next*-PEPG survey reported in this essay are based on a nationally representative stratified sample of U.S. adults (age 18 years and older) and oversamples

of Hispanics and non-Hispanic blacks, public school teachers, and residents of Florida (the last group for supplemental analyses not reported here). The combined sample of 3,251 respondents consists of 2,153 non-Hispanic whites, 434 non-Hispanic blacks, 481 Hispanics, and 183 members of other ethnic groups; 709 public school teachers and 948 residents of Florida; and 1,694 self-identified Democrats and 1,265 self-identified Republicans. We use post-stratification population weights to adjust for survey nonresponse as well as for the oversampling of teachers and Floridians. These weights ensure that the observed demographic characteristics of the analytic sample match the known characteristics of the national adult population.

On many items we conducted experiments to examine the effect of variations in the way questions are posed. The figures and tables present separately the results for the different experimental conditions. In these instances, respondents were randomly assigned to exactly one of at least two possible conditions. Reported effects in the figures and tables reflect differences observed across the baseline and experimental conditions.

In general, survey results based on larger numbers of observations are more precise, that is, less prone to sampling variance than those made across groups with fewer numbers of observations. As a consequence, answers attributed to the national population are more precisely estimated than those attributed to subgroups. With 3,251 total respondents, the margin of error for responses given by the full sample in the *Education Next*-PEPG survey is 1.7 percentage points (for items on which opinion is evenly split). The results presented for subgroups within the sample have larger margins of error, depending on their actual size. However, any differences in opinions or changes in opinions over time reported in the text are statistically significant unless otherwise noted.

Of the 3,251 respondents surveyed in 2009, approximately 300 had also been interviewed in 2008. For this group, it was possible to identify the consistency of responses to identical questions asked in both years.

Percentage totals do not always add to 100 as a result of rounding to the nearest percentage point.

Brighter in Albany

By PETER MEYER

"Well, I said we'd go from 10:30 to noon," Bob Ward reminded the crowd, trying to end a sold-out public policy forum on "Charter Schools in New York and the Nation."

The session in the second-floor seminar room at the Nelson A. Rockefeller Institute of Government in Albany had already featured a detailed presentation of "charter facts" from the new executive director of New York's Charter Schools Institute and a dozen friendly questions from the mostly pro-charter audience. Ward, the dignified and cerebral deputy director of the institute, seemed anxious to wrap things up. "So, thank you—"

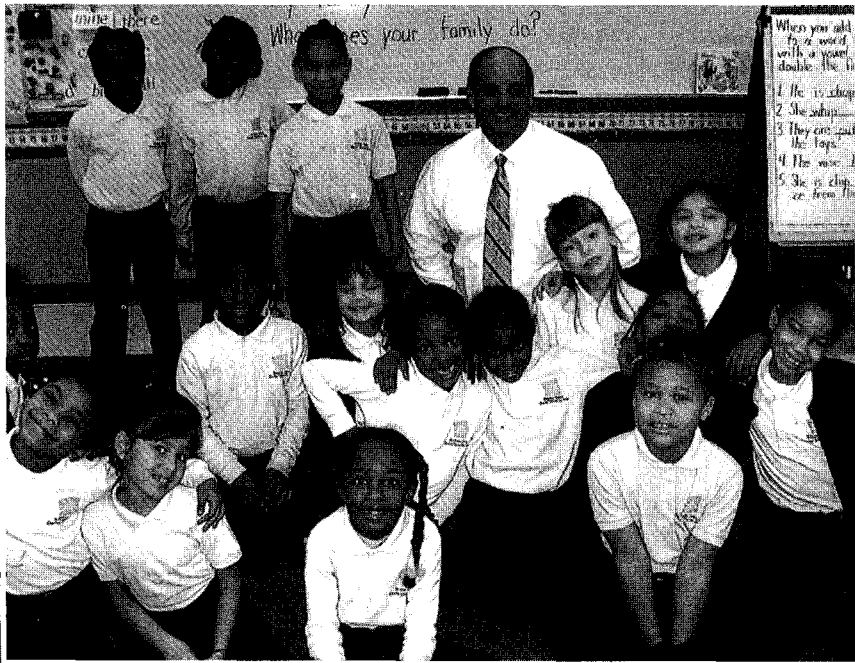
He stopped in midsentence. A hand had shot up at the back of the crowded room. "Eva, did you want to ask a question?" he asked.

All eyes turned to the dark-haired woman sitting on a folding chair along the back wall of the room. Some eyes rolled, as most of the group knew Eva Joseph, the embattled superintendent of Albany Public Schools (APS). They had seen her at countless education forums, on the local nightly news, and in the daily paper at every turn of the school budget clock, determinedly defending her district and, increasingly, railing against charter schools. "I'll make it quick," said Dr. Joseph. "I do want to thank you for acknowledging the situation in Albany, but going to the heart of what's real, we have 10 charter schools in Albany with a total public school population of 10,500 students. Compare that to 23 charter schools in the Big 5, with the exception of New York City. Buffalo, Syracuse, Rochester, Yonkers. Twenty-three

feature

Choices

ALL PHOTOS / BRIGHTER CHOICE FOUNDATION SCHOOLS



**City's
charter schools
outshine
the
competition**



total charter schools and you total up their enrollment. The proliferation here. The oversaturation, per pupil and per capita, is glaring. And it has serious implications for the district. It destabilizes it on many fronts....”

Standing a few feet away, as Joseph plunged on, a man leaned against the wall, smiling. It was not a smug or obvious smile, nor the smirk of a man who was mocking or scornful. Tom Carroll was smiling because he had heard the speech before and because he knew, as founder of the charter school foundation that had siphoned off nearly a quarter of Dr. Joseph’s 10,500 students, that he was at least an immediate cause of the vitriol. It was the smile of victory.

The Holy Grail of Charter Schooling

During much of the previous nine years, Carroll had overseen the launch of eight charter schools (see Table 1) in Albany, a small city (pop. 94,172), as Joseph suggested, for so many charters. Joseph, who began her Albany tenure as an assistant

What had been especially maddening for Dr. Joseph and her school board, which issued routine condemnations of the charters, was not just the presence of so many of the new schools—“the proliferation, the oversaturation”—but that they were so good. The destabilization was real and deep, creating not just viable, but quantifiably better, educational alternatives for children. And this is the singular accomplishment of Carroll’s charter organization: they had found the Holy Grail of charter schooling, quality and scale.

It is still an elusive goal for the charter school movement, which has grown to include more than 4,500 schools and 1.3 million students in 40 states and the District of Columbia. This remains a drop in the public school bucket (nationally there were more than 94,000 public K–12 schools and more than 49 million students in 2007), which is why “market share” is considered a crucial milestone, one of the few ways to pinch traditional schools in their pocketbooks. According to the National Alliance for Public Charter Schools, in 2007 New Orleans had reached 55 percent market share, Washington, D.C., 31 percent, and Southfield, Michigan, and Dayton, Ohio, 28 percent each.

Albany at that time came in at 17 percent, tied with Buffalo for 12th place nationally. But it had already distinguished itself as the only member of the market-share club with consistently high academic outcomes.

In fact, the failure of charters to offer a meaningful choice, i.e., a better education, has become a sore point among charter promoters. *Education Next* editor Chester E. Finn Jr., in a 2007 confessional in his Thomas B. Fordham Institute newsletter (the *Education Gadfly*), wrote, “Why are so many charter schools inadequate, even mediocre? What went wrong?” Finn noted that in his own “charter-saturated” Dayton, where Fordham was born, things had gone terribly awry. And though charters have taken to putting a good face on things by comparing themselves to their local district schools, which is fair, the truth about quality is uncomfortable. In the fall of 2008, for instance, the *Dayton Daily News* published a story headlined, “Most charter schools made gains; most Dayton district schools saw losses.” But an accompanying chart revealed that 12 of Dayton’s 19 K–8 charters did not make Adequate Yearly

Progress (AYP); 8 of the 10 charter high schools fell short of their AYP benchmark.

By contrast, all of Tom Carroll’s Albany charter schools made AYP. Not only that, they had become the best schools in the city. “Last year our students were number one in math in every single grade,” says Carroll, who now runs the

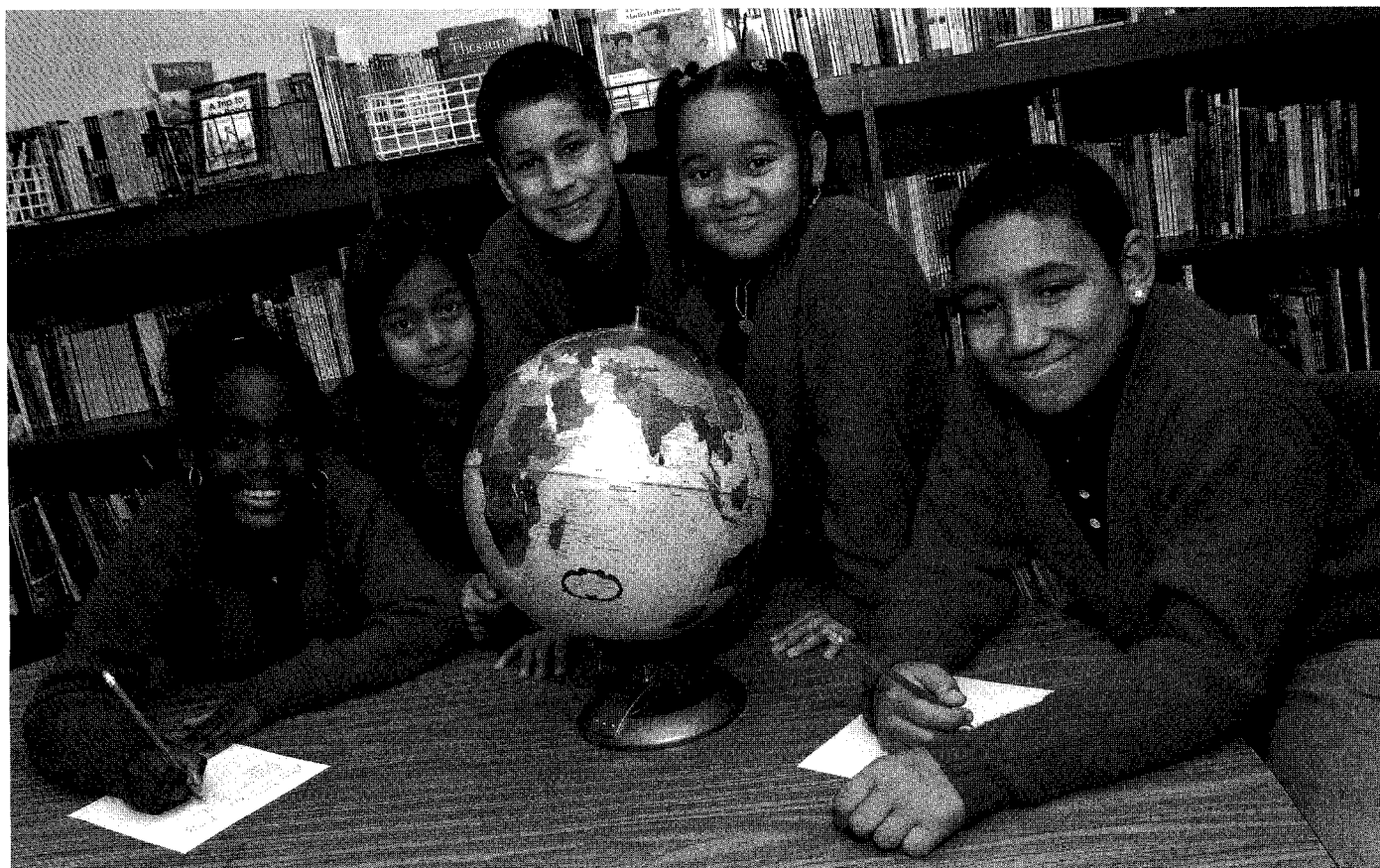
Model Expansion (Table 1)

The Brighter Choice network will soon include single-sex high schools and middle schools.

Brighter Choice Foundation Schools	Launch	Grades (in 2008-09)
Brighter Choice for Boys	2002	K-4
Brighter Choice for Girls	2002	K-4
KIPP Tech Valley Charter School	2005	5-8
Achievement Academy Charter School	2005	5-8
Albany Preparatory Charter School	2005	5-8
Albany Community Charter School	2006	K-3
Henry Johnson Charter School	2007	K-2
Green Tech High Charter School (for boys)	2008	9
Approved		
Albany Leadership Charter High School for Girls	2010	9-10
Charter Applications Submitted		
Brighter Choice middle school for boys		
Brighter Choice middle school for girls		

superintendent in 1997 and took the top job in September 2004, had been engaged in the charter battle for most of that time. “Fifth Albany Charter School Approved” was the headline just two months after she became superintendent. “SUNY adviser suggests city district cut staff, rent out extra space as students depart.”

feature
BRIGHTER CHOICE MEYER



Students at BCF's flagship schools have been outperforming their district counterparts almost from the beginning on statewide English language arts and mathematics exams.

Foundation for Education Reform & Accountability (FERA), which furnishes research help to charters, and serves as chairman of the Brighter Choice Foundation (BCF), which provides start-up financing aid. "In English, we were number one in 4th and 7th grades. We're expecting to do even better this year." And they have. On the 2009 state test in English language arts, in four of the six grades tested, the top school in Albany was one of Carroll's charters.

Albany public school parents, mostly black and mostly poor, not only have a choice; they have one that will make a significant difference in their children's futures. The Brighter Choice network has turned largely forgotten students into serious achievers. These schools have not only closed the achievement gap; they have reversed it.

An Unlikely Road to School Reform

"You might say that our success is the revenge of the amateurs," jokes Carroll, over a recent lunch at a downtown Albany bistro. "We didn't really know anything about education when we started—and perhaps that's why we have succeeded."

A veteran of the sharp-elbowed politics of New York's infamously dysfunctional state legislature (called the worst in

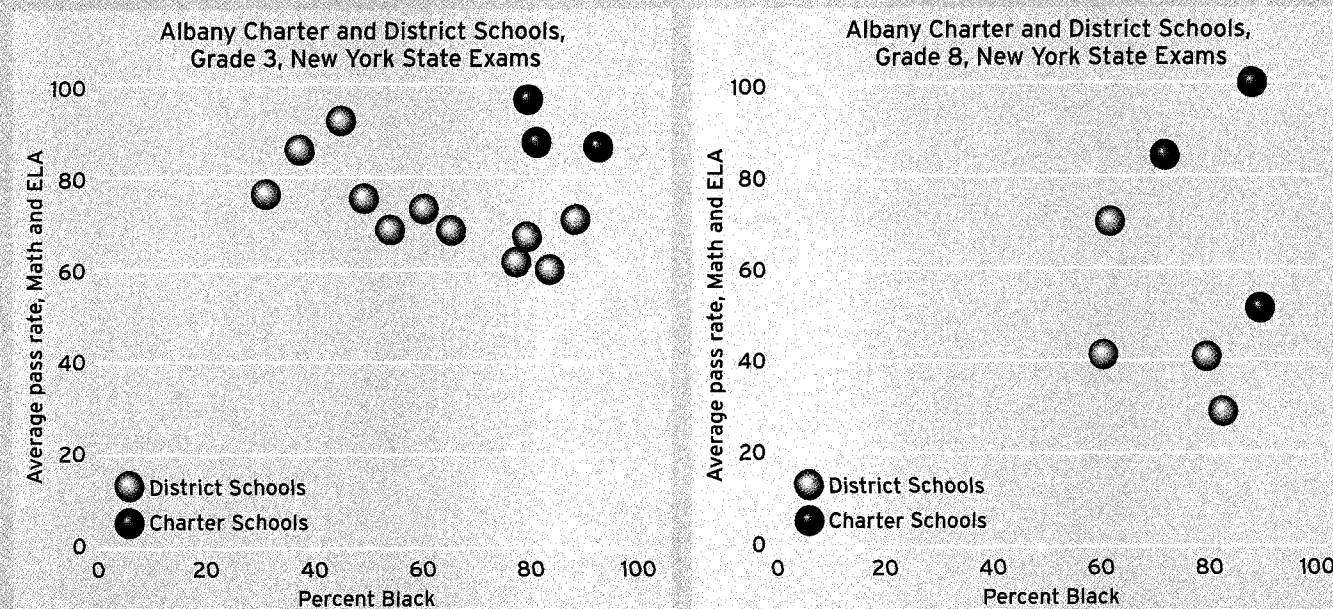
the nation by the Brennan Center for Justice in 2004), Carroll assembled a team of equally determined and savvy colleagues, most of whom had honed their political skills in those same tough trenches. They sounded like a law firm: Carroll, Backstrom, Murphy, Bender, and Brooks. Eva Joseph called them, disparagingly, "the white guys." In fact, they knew money and they knew politics, and when they stumbled on to the disastrous state of public education, they became determined to know schooling.

"We were all focused on budget and tax issues that would make New York a more job-friendly place," recalls Peter Murphy, who had worked with Carroll in the state's budget office. "But we did lots of work examining various parts of the government, including education." Increasingly, more budget and tax roads led to education, which consumed more than a quarter of the state's revenues.

While Murphy continued work with a think tank called the Empire Foundation for Policy Research, helping to produce a report on education choice in 1993, Carroll and Brian Backstrom, another veteran of the budget office, and Jason Brooks, a fresh-faced triple major (history, religion, and political science) from Syracuse University, started FERA in

Demography Is Not Destiny (Figure 1)

Few Albany district schools come close to the passing rates of the Brighter Choice charters on the 2009 New York state exams, even though the charter schools serve higher proportions of minority students.



Note: Test scores are for 2009; demographic data are for 2007-08 school year.

SOURCE: New York State Department of Education

1998. FERA would seal their fates as education reformers when Virginia Gilder, then the wife of one of their major political reform benefactors, Wall Street financier Richard Gilder, asked Carroll what she could do to help fix the schools. Since there was no charter law in New York at the time, the group launched a voucher program. And in an early test of their market-share strategy, Carroll and company decided to spend all of Gilder's money at just one school, offering \$2,000 to 153 students, a third of the student body, at Giffen Elementary, "one of the worst public schools in New York State," according to *Forbes* magazine, which featured the program on its cover.

The focus on one school, the national attention, and Giffen being "within spitting distance of the State House," as *Forbes* put it, ensured that FERA would be an education reform player and an immediate thorn in the local school district's side. Even Fred LeBrun—an influential columnist for the *Times Union* who once called Carroll and his political friends "a blustery gathering of overstuffed three-piece suits with watch fobs"—sympathized, praising the group for "walking the walk, not just talking the talk." (The message was lost on Albany Public Schools: to this day, Giffen remains hopelessly behind the academic eight ball, with just 46 percent of its 168 remaining students in grades 6–8 able to pass proficiency tests in English and 57 percent passing in math.

Carroll still oversees the voucher program, which continues to provide options for 38 Albany public school students each year.)

The next opportunity to walk the walk came in 1998 when the group helped write the state's charter school law, passed in December, making New York the 34th state to have one.

The Road to a Brighter Choice

Carroll and his colleagues, now fully engaged in their roles as school reformers, immediately established the Charter School Resource Center to offer technical assistance to anyone willing to set up a charter school.

They knew their market. Almost overnight 90 applications for charter schools (the law set a cap of 100) were submitted to the state education department's Board of Regents and the newly formed Charter Schools Institute at the State University of New York (SUNY). "You know you've hit on something when there is that level of interest across the state for doing something different in public education," says Backstrom.

Carroll, Backstrom, and Brooks traveled the country and spent months on the phone quizzing successful school leaders: what works in your school, what doesn't work? "And time and time again we were struck with how similar the answers were," says Backstrom. Longer school day. Longer school year. Content-rich curriculum. School uniforms. Even the single-sex school, they learned, which had been all but driven

off the education landscape by Title IX, was being tried, if quietly, and was working.

In November 2000 the group submitted a 300-page application to the Board of Regents to open the Brighter Choice Charter School for Boys (BCCS-Boys) and Brighter Choice Charter School for Girls (BCCS-Girls), which, initially, would be housed in the same building.

"The City of Albany is an educational tale of two cities," the applicants wrote. Some 30 percent of Albany students already attended private schools—almost double the state average—and only 2 of the city's 15 public schools managed even "respectable test scores." Failure rates in the rest of the schools ranged from 50 percent to 80 percent in 4th-grade reading tests; citywide, the failure rate was 64 percent.

This, said the charter applicants, was "not acceptable." The Regents agreed and granted charters to the two schools. And the rest, as Eva Joseph and a city of doubters would soon learn, is history.

Political Savvy Meets Commitment to Excellence

Even though they would have fewer than 100 places when the two schools opened in September 2002 (with just two grades, K-1, and plans to expand through grade 5), the schools received a thousand applications. This for a place that promised longer days (an hour more than the regular public schools), an extra 25 days of school per academic year, tough discipline, uniforms, and rigorous academic standards.

Success, of course, was anything but guaranteed. "They fought us every step of the way," recalls Carroll of the APS and the teachers union. The New York State United Teachers (NYSUT), which boasted 600,000 members and had a retirement fund of \$70 billion, was considered the most powerful lobbying group in the state. "They bring the cash to the legislators in wheelbarrows," says Peter Murphy, only half-joking, "and not a day goes by that they aren't trying to kill charters." On one occasion, NYSUT slipped an amendment on to an obscure law that would have limited the market share of charters in Albany to 5 percent. Thanks to their many legislative connections, Carroll and team heard about the move and sent a busload of parents and students to the legislative hearing room. "If we had not had a legislative political background," says Carroll, "they would have taken us to the cleaners."

And then came Chris Bender, who was 10 minutes into pitching his school insurance product to Carroll when Carroll said, "You should be on my board."

It was not an impetuous offer. Carroll knew that Bender was a fifth-generation Albany native and heir to a local publishing fortune. "We had people who knew a lot about charter schools," explained Carroll. "But Chris Bender's family had been here for 400 years, since the Dutch arrived. Between the two of us there are very few people of any significance in Albany that one of us doesn't know. If we needed advice on construction, for instance, we could get to the best people. Who knows historic preservation? Who knows environmental regulation? We could figure all that out. If you were just starting out, if you helicoptered in from another country and tried to do it, you would trip over yourself a million times. With a master's degree in education from Teachers College at Columbia University, Bender was also the only member of the team with real education credentials.

Three months after joining the board Bender became executive director of the group's new non-profit, the Brighter Choice Foundation, a technical and financial resource organization for Albany charter schools that would become the key to scale.

Through BCF, Carroll expanded the "what works" operating principle to include not just re-creating specific proven policies and practices, but replicating whole schools. The Achievement Academy middle school, which opened in the fall of 2005, was modeled after the Amistad Academy in New Haven, Connecticut, a pioneer of charter success. Albany Prep, which also opened in 2005, was modeled on the International Baccalaureate program and offered extended instructional periods for core academic subjects. The BCF would not only scout out potential charter school operators; it would build them a building; arrange for financing; and provide operational start-up money and free technical assistance, including community relations,

politics, media relations, vendor advice, and legal advice if needed. The BCF lobbied KIPP (Knowledge Is Power Program) founder David Levin to open a school in Albany, offering KIPP both financial and logistical support and the freedom to focus on academic excellence. KIPP Tech Valley, a middle school, opened in 2005.

The financing scheme is both ingenious and, Carroll argues, replicable (see sidebar, page 36). For instance, BCF turned a \$15 million loan from the Walton Foundation into a "revolving loan fund," explains Carroll, that "allows us to build a facility and then take out a mortgage on it." Once the building is built and the kids are in the chairs, BCF secures a

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short-term mortgage, which it pays while the new school is starting. When the school reaches full enrollment, usually within four or five years, it can then issue tax-exempt bonds and buy the building from BCF.

Getting It Right

The financing strategy, which includes start-up grants to new schools of up to \$500,000, “helps schools start smaller, so they can start good,” says Chris Bender, who also believes that the smart leveraging of small amounts of money is what makes the BCF model replicable.

With such a model in hand, “a paradigm shift for us,” says Carroll, Brighter Choice was able to go to scale with quality and begin to make deep changes in the city’s educational system. The strategy is working so far.

Can Anyone Do This?

The results of the Albany effort are promising. An obvious question is whether what Brighter Choice has created can be replicated elsewhere.

Tom Carroll suggests that successful full-scale replication would require six preconditions: a strong charter-school law (which would allow the issuance of as many charters as are needed); a core leadership team (to provide strategic direction, execute on-time and on-budget decisions, provide oversight, and wield enough political skill to keep opponents at bay); a market with good economics (Albany is a reasonable-cost market with per-pupil charter aid of more than \$12,000); access to facilities (a cooperative district leader, available land or buildings, and a reasonable zoning and planning process); a strong commitment to, and mechanism to ensure, quality (Albany was a good location because there was only one bad local charter school); and seven-figure philanthropic support.

How much philanthropic money would be needed depends on the size of the market, the cost of the market relative to the per-pupil charter aid, the number of schools contemplated, and whether a replicator would, as in Albany, adhere to school models that start small and remain small.

To achieve scale with quality in Albany has required spending of about \$500,000 per school for start-up grants, with an annual central office expense (for the Foundation for Education Reform & Accountability and the Brighter Choice Foundation) of around \$1 million. The Brighter Choice Foundation spends another \$1 million annually on parent outreach, community organizing, and direct mail and advertising. Though Carroll has been able to tap into a network of Wall Street contacts, he believes that raising such funds, over \$2 million a year, is possible in markets like Albany, which has a metropolitan area population of 1.1 million.

Importantly, once the Albany charter schools reach full enrollment, they no longer receive any philanthropic subsidy at all, reflecting Carroll’s distaste for school models that require ongoing philanthropic life support.

At BCF’s flagship schools, Brighter Choice for Girls and Brighter Choice for Boys, 3rd and 4th graders have been outperforming their district counterparts almost from the beginning on the statewide English language arts and mathematics exams (see Figure 1 for the 2009 test results).

“The Brighter Choice and KIPP schools are even outscoring the white suburban districts surrounding Albany,” says Carroll. “KIPP beat Bethlehem Middle School and Shaker Junior High (both in Albany’s affluent white suburbs), which is North Colonie’s middle school, in 7th grade English and math last year. The point is that we are not just beating crappy mediocre Albany schools; we’re beating the top public school districts in the area.”

Things have not always gone perfectly for Carroll and company. There was early backsliding in performance indicators at the Brighter Choice charter schools, for instance. The Brighter Choice board, which Carroll chairs, immediately asked the state department of education for permission to postpone adding a 5th grade as had been planned. They then did what traditional public schools seem so reluctant to do: they immediately changed leadership personnel. Brighter Choice went through three principals in three years, “until we got it right,” says Carroll.

Carroll’s missteps highlight the secrets to Brighter Choice’s success: constant vigilance, constant adaptability. When the Achievement Academy scores tanked, coming in below the district average in 2006, its second year, the school’s board immediately fired the principal and several teachers (who work with one-year contracts), changed textbooks as well as some systems and routines, and saw, the following year, a marked increase in test scores.

Scale Counts

The second part of the Brighter Choice story has been taking that quality to scale, to provide the kind of pressure to change that will improve the educational landscape.

“In a country this size, creating 50 or 60 really good schools barely creates a ripple,” explains Carroll. “It has a profound impact, of course, on the children educated in them, but it doesn’t challenge any of the institutional structures.”

Scale also provides a certain element of political protection, as Carroll has learned. “If you’re a single school and they close it down, most political people are willing to take that hit. But they’re not willing to close down schools serving thousands of kids.”

Though no one on the Brighter Choice team ever imagined shepherding eight schools into existence (the ninth, a girls' high school, Albany Leadership, will open in 2010, and applications for two new middle schools are in the pipeline), they were even less sanguine about their chances of moving Albany's public school system to change.

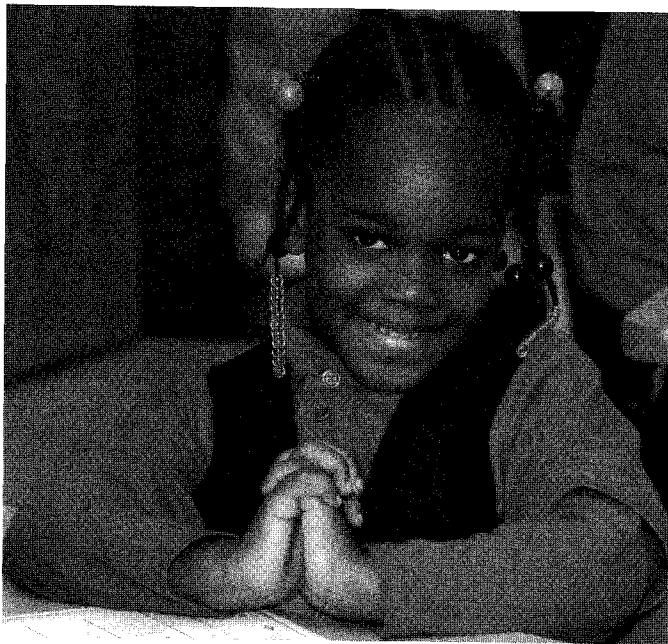
"We learned early on," says Brian Backstrom, "that you couldn't get the schools you needed by changing the schools you had. So that's why we decided to build new schools, from the bottom up."

But there have been signs of change at Albany Public Schools, which suggests that scale can count. "They have done some things," says Backstrom. "Uniforms in one school. They've renovated all their facilities, gotten small class sizes—of course, they've done that in part because we've taken 2,200 kids away from them, but they've done it."

The district has also lengthened its school day, albeit by only 30 minutes, but it is the first change in the union-contracted school day since the district was created in the mid-1970s. And they've even closed a perennially underperforming school (the Livingston Middle School). "Admittedly," says Carroll, "our decision to locate [KIPP Tech Valley] charter school across the street from their weakest school was not subtle."

Jason Brooks went through the minutes of Albany's board of education meetings and discovered that, in fact, they were indeed listening, watching—and talking about Brighter Choice. At a March 17, 2005, meeting, for instance, board member Bill Barnett exclaimed, "I think that it's high time for this district and the Board to have an in-depth discussion around the implications and the associated cost of increasing the number of instruction days."

Added board member Scott Wexler, "We cannot compete with charter schools with 200 days while our...calendar committee [has] not [had an] instructional discussion [but] an employee benefit discussion. Our employees apparently



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Although the district won't admit the connection, Carroll believes that the recent overall rise in district elementary- and middle-school test scores is the result of "competition from charter schools."

has a shortage of good schools, the demand from parents and students for more charter schools will not diminish. Why would we want to stop creating charter schools to meet this demand when we know the alternative is for these children to attend bad schools?" A good question.

Peter Meyer, former news editor of Life magazine, is a freelance writer and contributing editor of Education Next.

need to understand our desire to have more time on task so we can be more successful."

It's a hopeful start and Brooks created a memo called "The Positive 'Ripple Effect' of Charter Schools" to note it.

And, though the district won't admit the connection, Carroll believes that the recent overall rise in district elementary- and middle-school test scores is the result of "competition from charter schools [which] has forced an increased district focus on measurable outcomes."

Finally, on March 25, 2009, just two weeks after her Rockefeller Institute charter critique, Eva Joseph announced her resignation. "She said the job has consumed so much of her time, sometimes seemingly 24 hours

a day, that she looks forward to relaxing mentally," wrote Scott Waldman in the *Albany Times Union*. "Under Joseph, Albany also became ground zero for the charter school movement, with the city's 11th school expected to open soon. Joseph and the city's charter school leaders often were at odds."

"The question remains," says Carroll, "as charter schools continue to grow in the city—within a year of this September roughly a third of public school children in Albany will be in charter schools—will the district put its head in the sand or finally be forced to reform its schools in order to compete?"

Carroll and company are not waiting around to see what happens. "Our opponents would love to freeze us in our tracks through a moratorium or a market-share cap," notes Carroll. "But, as long as Albany



Many Schools Are Still Inadequate

Now what?

Questions of educational adequacy and school spending have long been a point of contention in school reform. Amid the recent economic turmoil and gaping state budget shortfalls, questions of whether court-ordered funding remedies have delivered—and why they have or have not—have taken on particular import. This forum offers two sharply different takes on our experiences to date, and what lessons they offer going forward. Eric Hanushek and Alfred Lindseth are the authors of *Schoolhouses, Courthouses, and Statehouses: Solving the Funding-Achievement Puzzle in America's Public Schools* (Princeton University Press, 2009), in which they propose a system of performance-based funding focused on improving student achievement. Michael Rebell is executive director of the Campaign for Educational Equity at Teachers College, Columbia University, and is the author of *Courts and Kids: Pursuing Educational Equity through the State Courts* (University of Chicago Press, forthcoming), in which he proposes a new functional separation of powers among the executive, legislative, and judicial branches to promote education reform and student achievement.

Education Next: Over the past four decades, many states have revised their funding of schools, through either judicial or legislative initiatives, in an effort to improve schools serving disadvantaged children. Too often, however, these actions have not yielded improved student achievement. Looking to the future, what kinds of judicial or legislative remedies are most likely

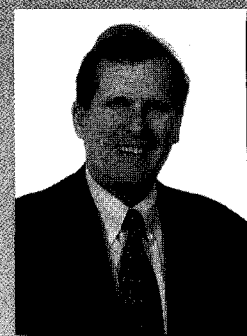
to fulfill the promise of improved student outcomes?

Eric Hanushek and Al Lindseth: This question is particularly timely, as national policies on education embodied in the federal No Child Left Behind (NCLB) law are in a state of flux and likely to change under President Obama. At the same time, an economic crisis has engulfed not only our country, but most of the world, suggesting that significant

Education Next
talks to
Eric A. Hanushek,
Alfred A. Lindseth
and
Michael A. Rebell



Eric A. Hanushek



Alfred A. Lindseth



Michael A. Rebell

PHOTO / GETTY IMAGES

*The United States
already spends more
per pupil on K–12
education than all
but a few countries.
Moreover, spending
has increased
dramatically over
the past several
decades.
—EH & AL*

increases in funding for education budgets are unlikely in the foreseeable future. The challenge is to find ways to develop a well-educated workforce that are not only more effective than those relied on in the past, but also do not depend on significant annual increases in education appropriations.

Since about 1970, the achievement levels of U.S. students on the reading and math tests of the National Assessment of Educational Progress (NAEP) have remained largely flat despite massive financial and other efforts to improve them. The problem is particularly acute for poor and minority students, with average black and Hispanic students lagging three or four grade levels behind the average white student. While lack of sufficient funding is often cited as the principal reason for low student performance, the United States already spends more on K–12 education than all but a few countries. Moreover, spending has increased dramatically over the past several decades, with today's per-pupil expenditures almost four times, in inflation-adjusted dollars, what they were in 1960.

The underlying system, which governs how money is spent, has remained largely unchanged over that period. It is characterized by, among other things, a compensation scheme that pays teachers and administrators without regard to the results they get in the classroom; rules that make it extremely difficult to terminate unqualified teachers or assign the good ones where they are most needed; an assessment and rating system that discriminates against good teachers who are assigned to schools with significant numbers of at-risk students; a monopolistic structure that insulates public schools from competition; and numerous union and other work rules that prevent principals from effectively running their schools. It is a system more concerned with the adults and their rights than it is with ensuring the success of its students. Although some reforms have taken place in the last decade or so—the adoption of statewide standards, limited choice options, and increased accountability—they have not been sufficient to overcome the obstacles posed by the underlying system.

Given this sobering assessment, what can be done in the future to improve student

achievement? The solution, we believe, lies in performance-based funding: a system of integrated education policies and funding mechanisms designed to drive and reward better performance by teachers, administrators, students, and others involved in the education process. Such a system will ensure more effective use of education dollars through better decisionmaking, eliminate perverse incentives that reward mediocrity or failure, and most important, energize and motivate those involved in the education of our young people. The essential components of a performance-based funding system cannot be ordered à la carte. These components interlock and depend on each other for their success. While various states have adopted some of these components—state-level academic standards, for example—none have implemented the integrated system we recommend, and the results have been clearly unsatisfactory.

A performance-based system of funding would contain the following nine features:

1) *A focus on improving outcomes rather than on increasing inputs.* States must set high and uniform achievement goals for every child to strive to meet. While every child may not reach the highest goals, high expectations will encourage children to do their best.

2) *Local school administrators and teachers with the flexibility to determine how their schools can best meet high standards.* Often even the most dedicated teachers and principals are hampered by severe limitations on spending and programmatic decisions by ineffective state regulations, constraints such as those that come with categorical funding, and a variety of state and local laws and contractual arrangements. The idea is to let those who are most familiar with the problems faced in the schools take the lead in deciding how to solve them.

3) *Rewards for both teachers and administrators based on their success in improving student achievement.* In almost every school district in the country, teachers are currently paid based solely on their years of experience and degree level, despite a consensus in the scientific community that these two factors bear little relationship to their success in improving student performance. The single-salary pay

schedule—which makes it virtually impossible to pay good teachers more, to offer bonuses for teaching in hard-to-staff schools, and to pay higher salaries to teachers in shortage areas, such as math, science and special education—must go, and a pay system implemented based upon the just named considerations.

4) *Greater accountability commensurate with increased authority and discretion.* Teachers, schools, and principals must be held accountable for results. Just as they should be rewarded if they are successful, they must experience the consequences if they are not. Each state should adopt an accountability plan that sets clear goals as well as significant and enforceable consequences if goals are not achieved within a reasonable period.

5) *Rewards and accountability based on factors within the control of the local district.* Schools, teachers, and administrators should be judged and, if appropriate, rewarded based on the “value” they add during the school year, not on absolute test scores. The latter may be influenced by students’ homes and neighborhoods and may give teachers in middle-class suburban communities an advantage over those teaching in less advantaged communities. Under current practice, schools with disadvantaged students are almost always labeled “failing,” no matter how good the teachers are. Once value-added assessments are put in place, it will be possible to isolate the contributions made by the schools, teachers, and programs in raising achievement from external factors also affecting achievement and to act accordingly by following a model of continuous improvement.

6) *Schooling options for parents and children who judge their school less than satisfactory.* Schools must know that, if they are not successful, parents have alternatives for their children. Therefore, the finance system should also support charter and other choice schools.

7) *Reasonable funding levels based on the needs of particular student enrollments and other factors outside of district control, but also discretion by local district taxpayers to augment the funding of their schools.* Base funding would adjust for district poverty and external labor-market factors. Supplementation should incorporate “equalization” funds by the state to recognize differences in

the ability of districts to raise funds locally when levying the same tax rate, but would permit parents and taxpayers to express directly their satisfaction with educational plans and policies.

8) *Transparency incorporating value-added measures.* Parents, taxpayers, and other stakeholders can then readily gauge how good a job the schools are doing.

9) *A commitment to evaluating school and programmatic effectiveness.* Expensive new strategies, such as large-scale class-size reduction programs, should be implemented only if they also provide for regular, independent evaluations to determine their effectiveness. Unsuccessful programs should not be allowed to continue and proliferate year after year just because they have strong sponsors.

The path to such reform will not be an easy one. While elements such as state standards, accountability measures, and value-added measures either are not controversial or are gaining acceptance, other important components, especially performance-based pay and increased choice options, are opposed by powerful forces with vested interests in the current system. Most powerful are the politically connected teachers unions. They, for example, clashed with Washington, D.C., schools chancellor Michelle Rhee over a proposal to couple higher pay with greater risk of termination because of ineffectiveness. The unions vigorously opposed those efforts, leading Rhee to move instead to improve the teaching force by terminating unqualified teachers. Unless this system is changed, it seems unlikely that outcomes will measurably improve in the district, already one of the highest funded and worst performing in the country.

The responsibility to enact and implement performance-based funding systems will fall primarily on the political branches of government, the state legislatures and governors. Although judicial remedies have played a significant role in school finance in the past, that era is drawing to a close. Beginning in the early 1970s, advocacy groups, frustrated with legislative efforts, began turning to the courts, initially to seek more equity in the allocation of education funds and later to seek vastly increased

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New Jersey, and
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the early 1990s.
—EH & AL*

appropriations from state legislatures through “educational adequacy” lawsuits based on vaguely worded state constitutional provisions. A significant number of state courts responded positively to plaintiffs’ pleas and ordered unprecedented increases in K–12 funding in their states. Unfortunately, basic problems in the underlying systems of delivering education services were often ignored. In this sense, the courts mirrored what had been going on in the state legislatures, and the results were, not surprisingly, much the same: large amounts of money expended, but little or no improvement in student outcomes. An analysis in our recently published book examines the NAEP test-score trends in the four states that have implemented court remedies the longest, and demonstrates that, despite spending increases amounting to billions of dollars, the achievement patterns in three of them—Wyoming, New Jersey, and Kentucky—are largely unchanged from what they were in the early 1990s, before the court-ordered remedies commenced. Only in Massachusetts, where much deeper and broader reforms were instituted, has there been some improvement, although even there the state’s black students have not benefited from the remedy.

Perhaps due in part to this track record, the courts have begun to step back, opting instead to leave decisions regarding education policy and appropriations in the hands of the political branches of government, where they have traditionally resided. In the last five years, court decisions in approximately 15 states have disposed of educational adequacy cases, and, with one or two minor exceptions, the courts have either dismissed the cases or granted minimal relief. While this could change in a number of cases still pending, we believe the likelihood of significant court-ordered remedies in the foreseeable future is small.

Performance-based funding is not by itself a panacea that will solve all problems of substandard achievement or eliminate the achievement gap. Many of the problems that plague American education are beyond the control of the schools and will have to be addressed by other means. Performance-based funding will, however, put the nation’s schools back on the right track, help to raise

the achievement of all students significantly, and once again make our students competitive on the world stage.

President Obama has called for increased funding to support NCLB, and Congress has provided substantial stimulus money for schools. A wise use of that money would be to underwrite transition costs in states moving to implement a performance-based funding system. For example, support for the improvement of student testing, for the development of improved databases and value-added measures, and for initial payments of expanded salaries under performance-based pay could provide important incentives for the states to move toward more logical and more effective funding systems.

Michael Rebell: The basic premise of the book and essay by Eric Hanushek and Al Lindseth—and of the question posed by *Education Next*—is that although “massive” amounts of money have been spent on education over the past 40 years, the results have been meager. Hanushek and Lindseth claim that states in which courts have ordered “extraordinary spending increases,” or at least the select few they have studied, have shown no improvement in student test scores. They then argue that certain “performance-based” accountability mechanisms that they recommend, rather than increased funding, should be the focus of future efforts.

I strongly dispute these premises, and I doubt that the reforms that Hanushek and Lindseth recommend are feasible, or that if enacted, they would constitute the panacea for the nation’s education ills that they imply. Extensive inequities in education funding, by which students with the greatest needs receive the fewest funds, still prevail in many parts of the United States; for that reason, state courts continue to have a critical role in ensuring meaningful educational opportunities for all children. The evidence strongly indicates that money well spent does make a significant difference in student achievement, and as Education Sector’s Kevin Carey has noted in reviewing one of Mr. Hanushek’s books: “There is little evidence that starving schools of needed funds is a catalyst for innovation, or that well-funded schools are *more*

likely than others to be inefficient.” Moreover, although I agree that additional accountability measures are needed, continued involvement of the state courts, working in concert with the executive and legislative branches in a new, functional separation-of-powers mode, is essential for holding all parties accountable and for attaining the nation’s education goals.

Let me first put the spending issues into perspective. Hanushek and Lindseth claim that per-pupil spending in the U.S. has quadrupled since 1960. This is a gross exaggeration. According to recent analyses by Economic Policy Institute research associate Richard Rothstein, the cost of school services, when adjusted by the consumer price index, increased by 157 percent from 1967 to 2005, but when adjusted by the more relevant net services index (which omits shelter rent and medical care) the increase was only 92 percent. Moreover, these general statistics mask the fact that much of this increase has gone to special education, a sector that has dramatically expanded and substantially improved the lives of millions of students with disabilities over this time period. According to Rothstein, from 1967 to 2005 the share of educational expenditures going to regular education dropped from 80 to 55 percent and the share going to special education increased from 4 to 21 percent.

Second, for the past two decades, the United States has been committed to the historically unprecedented mission of simultaneously promoting excellence and equity in education. The standards-based reform movement seeks both to equip all of our high-school graduates to compete in the global marketplace and to narrow the achievement gap between our advantaged and disadvantaged student populations. Obviously, attaining these critical goals will require substantial resource infusions, especially for the high-need schools that historically have been treated inequitably by state education finance systems. Thus far, neither Congress, which has not even come close to fully funding the No Child Left Behind Act, nor most states, which have raised their academic standards but not their funding levels to a commensurate degree, have stepped up to the plate.

Third, Hanushek and Lindseth assert that “the United States already spends more on K–12 education than all but a few countries.” Although the U.S. is fourth among the 30 industrialized democracies that comprise the OECD (Organisation for Economic Co-operation and Development) in per-pupil spending on K–12, it is in the middle of the pack (13) in education spending as a percentage of GDP. Moreover, since, comparatively speaking, the U.S. starves health care, economic security, housing, and other areas of social welfare provision, the schools must bear an enormous burden in overcoming the impact of concentrated poverty for the poor and minority children they are committed to educating to high levels. In 2005, the childhood poverty rate in the U.S. was 21.9 percent, the highest, with the exception of Mexico, of the 24 OECD countries listed, and far higher than the 3 percent childhood poverty rate of countries like Denmark and Finland.

Given the extent of poverty in our society and the heavy burden that has been placed on the schools to alleviate its impact, it is astounding how much educational progress has been made. For example, from 1990 to 2007, black students’ scale scores increased 34 points on the NAEP 4th-grade mathematics tests (compared with a 28-point increase for whites), and the black-white achievement gap declined from 32 to 26 points during this period. Nevertheless, even greater progress can and should be made. I doubt, however, that “performance-based funding,” the solution Hanushek and Lindseth offer, will prove to be the silver bullet that will “help to raise the achievement of all students significantly, and once again make the nation’s students competitive on the world stage.”

Hanushek and Lindseth announce their performance-based funding prescriptions as if they will instantly solve the nation’s educational ills. But test-based outcomes, merit pay for teachers, rewards and sanctions, and voucher and charter alternatives have been part of the reform agenda of most states for years. Studies of each of these approaches have generally shown mixed results, and there is no strong empirical basis for dramatically expanding their use. Hanushek and Lindseth have an answer to this criticism: This is not

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—MR

The adequacy movement has matured, and the courts are now grappling with many of the same implementation and compliance issues that have stymied governors and legislatures for years.
—MR

a menu of options that can be ordered à la carte, they say. These components interlock, and they must be implemented as an “integrated system.”

Leaving aside the objections I have to many aspects of their program, full implementation of their “integrated systems approach” is clearly a pipe dream. In a democratic polity, no single reform approach can ever be fully put into effect, much less maintained, in its pure form. Policymaking for public education in a democracy inevitably is shaped by politics, and any reform proposal will inexorably be subject to compromise and modification. Although there was an unprecedented degree of bipartisan support for passage of the No Child Left Behind law in 2001, for example, that support came at a high price. As *Education Next* editors Rick Hess and Chester Finn recently observed, NCLB is a “Christmas tree of programs, incentives, and interventions that are more an assemblage of reform ideas than a coherent scheme. NCLB’s remedy provisions bear all the marks of concessions to various ideologies, advocates, and interest groups, with scant attention paid to how they fit together, the resources or authority they require, or whether they could be sensibly deployed through the available machinery.”

How to forge a better package of education reforms out of the positive aspects of NCLB is the main education policy challenge for the Obama administration, and how to make standards-based reform really work is the parallel problem that state education policymakers need to face. Hanushek and Lindseth’s performance-based funding proposal adds little of real value to this equation. However, the state courts’ wide experience in recent decades with fiscal equity and education adequacy litigations, which these authors roundly criticize, does provide significant possibilities for developing productive policy compromises and significantly advancing prospects for meaningful education reform.

Since 1973, when the U.S. Supreme Court held that education was not a “fundamental interest” under the federal constitution, education advocates, frustrated by continuing inequities in the funding of public education,

have turned to the state courts. As Hanushek and Lindseth acknowledge, a “significant number of state courts responded positively to plaintiffs’ pleas.” In fact, during this era, cases have been filed in 45 of the 50 states, and plaintiffs have won more than 60 percent of them; since 1989, when the legal emphasis shifted from “equity” cases that seek equal funding levels for all students to “adequacy” cases that look to provide all students a basic quality education consistent with state standards, plaintiffs have prevailed in two-thirds of the final high-state-court decisions.

Hanushek and Lindseth claim that the courts have begun to step back from their support of constitutional rights in this area. But, in fact, there has been no diminution in the willingness of state supreme courts to issue strong rulings on students’ basic constitutional right to an adequate education. What has changed in recent years is that more cases have reached the remedy stage and more courts are experiencing difficulty in seeing constitutional compliance through to a successful conclusion. Some courts have cut short their remedial oversight out of frustration with the political complications and complexity of effecting meaningful change.

In other words, the adequacy movement has matured, and the courts are now grappling with many of the same implementation and compliance issues that have stymied governors and legislatures for years. The problems raised by judges in these remedial proceedings call for thoughtful responses and nuanced solutions, rather than the cavalier rejection of “judicial activism” that Hanushek and Lindseth and other opponents of adequacy articulate. (The title of a recent book that Hanushek edited and to which Lindseth contributed accuses judges of “harming our children.” This kind of hyperbole is clearly unwarranted.) As University of Wisconsin law professor Neil Komesar has insightfully pointed out, “All societal decision makers are highly imperfect.” Governors, state education departments, legislatures, and the federal Congress have been unable to solve the nation’s educational problems over the past half century, so why should anyone expect

judicial interventions to achieve immediate, decisive results?

Where courts have persevered in their efforts, there have often been substantial improvements in student achievement. Hanushek and Lindseth allude to NAEP test-score trends in a few states with long-standing court orders that they claim have resulted in no improvement in student achievement in three out of four cases. The NAEP scores they focus on do not correspond in most of the cases to the relevant years in which the court orders were actually implemented; they ignore the fact that, as in Kentucky, initial increases in funding are sometimes followed by substantial decreases in later years; and their use of NAEP scores makes no sense in a state like New Jersey, where the court orders covered only a subset of the state's students (i.e., students in 31 poor urban school districts) and not the full statewide populations represented by NAEP scores. Recent, more finely tuned data for New Jersey, provided by Peg Goertz, a University of Pennsylvania researcher who has closely followed developments in the Garden State, indicate that from 1999 to 2007 substantial gains were made in the *Abbott* districts, which were the focus of the judicial remedies. For example, in 4th-grade mathematics, the achievement gaps between the *Abbott* districts and the rest of the state were cut by more than one-third. Similarly, Kentucky, which was near the bottom of the national rankings in virtually all performance indexes before its 1989 court decision, now ranks above the national averages in reading and science and almost at the national average in math.

Despite these gains, to fully meet our nation's challenging goals for excellence and equity in our public school systems, clearly more needs to be done. What is required is a concerted effort by all three branches of government to bring their relative functional strengths to bear on ensuring constitutional compliance and solving the nation's educational ills. In a forthcoming book, I propose a "successful remedies model" that is based on the extensive empirical experience that dozens of courts have

had in dealing with legislatures, governors, and state education departments in crafting remedies. It is a process approach that is compatible with Hanushek and Lindseth's performance-funding focus or any other policy perspective, or as is more likely, whatever mix of policies a state's elected representatives choose to endorse. This process seeks to ensure that, whatever reform path state policymakers pursue, the compromise package they assemble is cohesive, adequately funded, and consistently implemented; moreover, the state should be committed to seeing the reforms through over time so that lasting results can be achieved. "Success" in implementing standards-based reforms under this model is defined not in terms of test scores in a limited number of subject areas, but broadly, in terms of providing all students a sound basic education on a sustained basis.

To achieve such success requires effective, programs and ongoing "colloquy" among the three branches of government. The courts' role in this process is to outline in general, principled terms the expectation that the legislative and executive branches will develop challenging standards, fair and adequate funding systems, and effective programs and accountability measures, but to leave to the programs and the political branches the full responsibility for actually formulating these policies. Legislatures should make basic educational policy decisions; state education departments and local school districts should determine how best to implement educational reforms. Once the state has decided on its policy position, however, a judicial presence should be maintained to ensure that the chosen policy is fully funded, is implemented in a coherent manner, and results in substantially improved student performance, as measured by validated assessments of academic achievement and of students' ability to function as capable citizens and workers.

Since significant compliance cannot be achieved overnight, in most cases courts will need to maintain nominal jurisdiction for a multiyear period, probably 10 to 15 years. The mere fact that judicial oversight remains in place can ensure continued adherence to

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*Rebell concludes
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implementation of stated policy goals, and actual interventions should be rare, especially if it is clearly understood that all the courts would be enforcing are the state's own policy goals. A judicial presence is especially important to ensure that the reform process—and reasonable funding levels—are maintained in times of economic stress or recession like the present, where children's needs and constitutional values are often given short shrift.

In short, then, my answer to the question posed by the editors of *Education Next* is that what is most likely to fulfill the promise of improved student outcomes in the future is not any silver bullet remedy, but rather a pragmatic process that allows courts, legislatures, state education departments, and school districts to work collaboratively to implement meaningful reforms on a sustained basis.

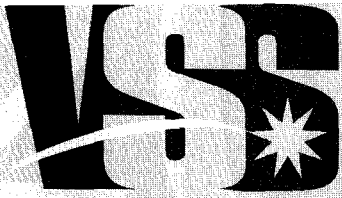
Hanushek and Lindseth: Notwithstanding his obfuscation, Michael Rebell's solution is essentially more of the same. Beginning by misstating spending increases (based on incorrect data and flawed adjustments) and ignoring pertinent performance data, he rewrites the constitution of every state to give judges the major policy-setting role in a “new, functional separation of powers mode.” He further recommends that judges and legislators be guided in their efforts by a “successful remedies model” to be drawn from previous adequacy litigation—perhaps tempting if such “successful” models actually existed. Quite surprisingly, he cites New Jersey's tortured 35-year-old *Abbott* litigation as an example of “success,” but neglects to mention that the state's black students, the principal beneficiaries of the remedy, are still scoring at about the same relative levels on the NAEP tests as in 1992. In Kentucky, he relies on data for all students, which mask the fact that black students, the state's principal minority group, have regressed compared to their peers nationally during the remedial period.

Our solution may not be a “silver bullet” for everything that ails American education, but it surely presents a better chance for our children than continuing the

demonstrably failed practices of the past. In the end, Rebell basically concludes that political forces are too strong to bring about the fundamental changes we recommend, so we should just continue plowing more money into the current system. If we do, no one should be surprised in 2040 when our students are still performing, as they are now, at 1970 levels.

Rebell: If I didn't know that Rick Hanushek was an outstanding economist and that Al Lindseth was a master litigator, I would think from some of the provocative phrases they use in their writings that they were sensationalist journalists, looking to attract readers with shocking but misleading headlines and catchphrases. They claim that I am proposing to “rewrit[e] the constitution of every state to give judges the major policy-setting role.” A detailed examination of the positions they actually take in their writings, and especially in their recent book upon which this Forum is based, indicates, however, that we agree that money—if well spent—does matter, that education finance cases have had a significant equalizing effect on state education funding formulas, and that court orders can “support legislators who want to address serious problems in education.”

The fact is that the unproven, business-model, and privatization practices they propose as education reforms have no chance of being adopted as an “integrated system,” especially in the present political climate. I would, therefore, ask Hanushek and Lindseth to stop tilting at windmills and to join with me in instituting a dialogue in major areas in which we do agree, like the fact that courts can and should hold states and school districts accountable for better performance, and that “school funding policies must recognize the underlying heterogeneity of students and their educational challenges and ensure that all schools have the means to succeed” (Hanushek and Lindseth, *Schoolhouses, Courthouses, and Statehouses*, page 218). That kind of conversation might help to promote real changes that might provide truly meaningful educational opportunities to all of our children. ♦



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Provide professional development in K-12 online learning;

Distribute research, case studies and data about what works in online learning;

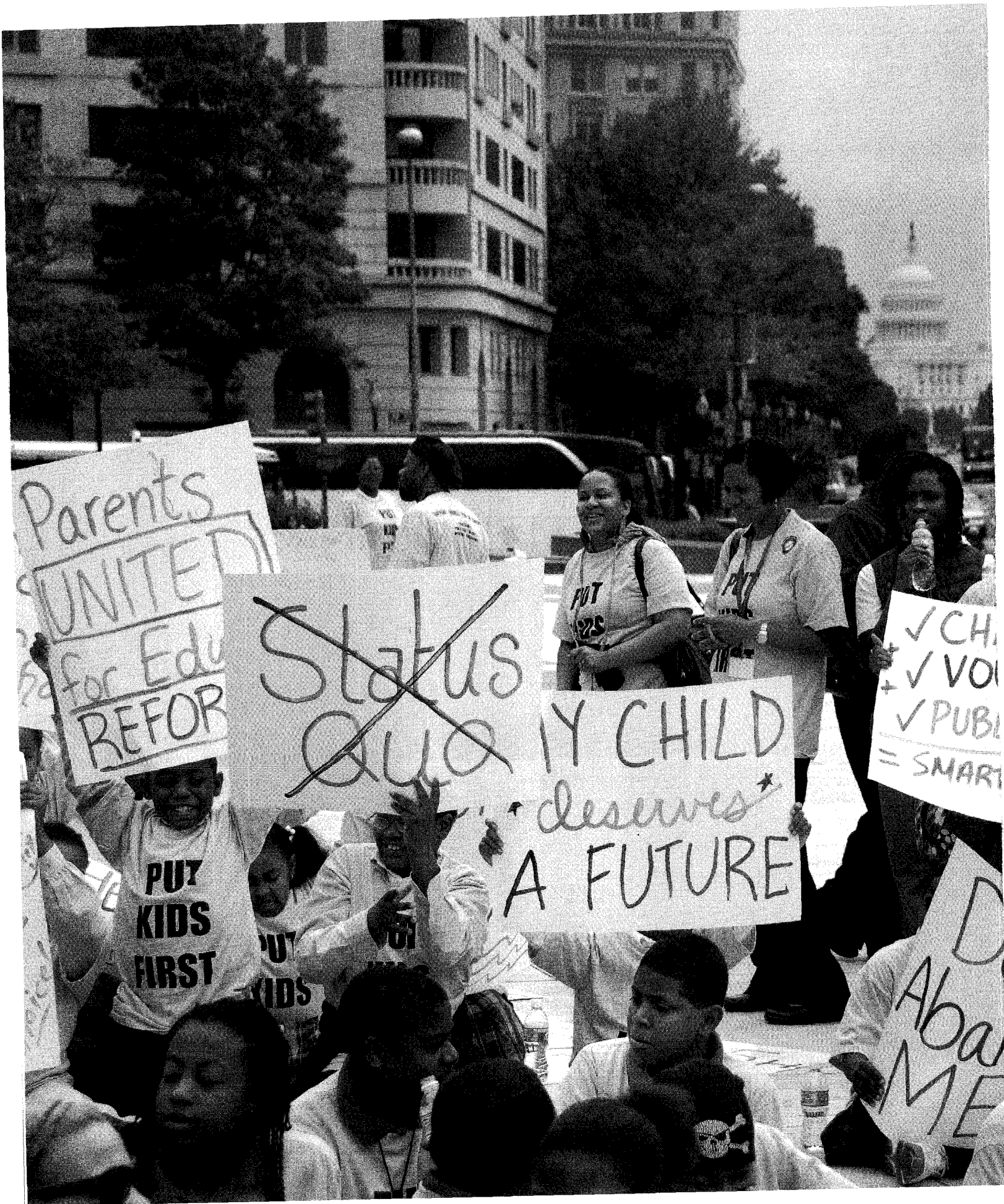
Share best practices on plans, policies, standards and evaluation of virtual education;

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Determine strategies for improving mainstream education to ensure every student graduates with a world-class diploma to prepare them for college or beyond.

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LOST OPPORTUNITIES

**Lawmakers threaten
D.C. scholarships
despite
evidence of benefits**

School choice supporters, including hundreds of private school students in crisp uniforms, filled Washington, D.C.'s Freedom Plaza last May to protest a congressional decision to eliminate the city's federally funded school voucher program after the next school year. That afternoon, President Obama announced a compromise proposal to grandfather the more than 1,700 students currently in the District of Columbia Opportunity Scholarship Program, funding their vouchers through high school graduation, but denying entry to additional children. Both program supporters and opponents cite evidence from an ongoing congressionally mandated Institute of Education Sciences (IES) evaluation of the program, for which I am principal investigator, to buttress their positions, rendering the evaluation a Rorschach test for one's ideological position on this fiercely debated issue.

School vouchers provide funds to parents to enable them to enroll their children in private schools and, as a result, are one of the most controversial education reforms in the United States. Among the many points of contention is whether voucher programs in fact improve student achievement. Most evaluations of such programs have found at least some positive achievement effects, but not always for all types of participants and not always in both reading and math. This pattern of results has so far failed to generate a scholarly consensus regarding the beneficial effects of school vouchers on student

By PATRICK J. WOLF

ALL PHOTOGRAPHY / ADAM AUEL

achievement. The policy and academic communities seek more definitive guidance.

The IES released the third-year impact evaluation of the Opportunity Scholarship Program (OSP) in April 2009. The results showed that students who participated in the program performed at significantly higher levels in reading than the students in an experimental control group. Here are the study findings and my own interpretation of what they mean.

Opportunity Scholarships

Currently, 13 directly funded voucher programs operate in four U.S. cities and six states, serving approximately 65,000 students. Another seven programs indirectly fund private K–12 scholarship organizations through government tax credits to individuals or corporations. About 100,000 students receive school vouchers funded through tax credits. All of the directly funded voucher programs are targeted to students with some educational disadvantage, such as low family income, disability, or status as a foster child.

Nineteen of the 20 school voucher programs in the U.S. are funded by state and local governments. The OSP is the only federal voucher initiative. Established in 2004 as part



of compromise legislation that also included new spending on charter and traditional public schools in the District of Columbia, the OSP is a means-tested program. Initial eligibility is limited to K–12 students in D.C. with family incomes at or below

Methodology Notes

If one's purpose is to evaluate the effects of a specific public policy, such as the District of Columbia Opportunity Scholarship Program (OSP), then the comparison of the average outcomes of the treatment and control groups, regardless of what proportion attended which types of school, is most appropriate. A school voucher program cannot force scholarship recipients to use a voucher, nor can it prevent control-group students from attending private schools at their own expense. A voucher program can only offer students scholarships that they subsequently may or may not use. Nevertheless, the mere offer of a scholarship, in and of itself, clearly has no impact on the educational outcomes of students. A scholarship could only change the future of a student if it were actually used.

Fortunately, statistical techniques are available that produce reliable estimates of the average effect of *using* a voucher compared to not being offered one and the average effect of attending private school in year 3 of the study with or without a voucher compared to not attending private school. All three effect estimates—treatment vs. control, effect of voucher use, and impact of private schooling—are provided in the longer version of this article (see “Summary of the OSP Evaluation” at www.educationnext.org), so that individual readers can view those outcomes that are most relevant to their considerations.

I have presented mainly the impacts of scholarship use in this essay. Those impacts are computed by taking the average difference between the outcomes of the entire treatment and control groups—the pure experimental

impact—and adjusting for the fact that some treatment students never used an Opportunity Scholarship. Since nonusers could not have been affected by the voucher, the impact of scholarship use can be computed easily by dividing the pure experimental impact by the proportion of treatment students who used their scholarships, effectively rescaling the impact across scholarship users instead of all treatment students including nonusers. I focus here on scholarship usage because that specific measure of program impact is easily understood, is relevant to policymakers, and preserves the control group as the natural representation of what would have happened to the treatment group absent the program, including the fact that some of them would have attended private school on their own.

research

D.C. SCHOLARSHIPS WOLF

185 percent of the poverty line. Congress has appropriated \$14 million annually to the program, enough to support about 1,700 students at the maximum voucher amount of \$7,500. The voucher covers most or all of the costs of tuition, transportation, and educational fees at any of the 66 D.C. private schools that have participated in the program. By the spring of 2008, a total of 5,331 eligible students had applied for the limited number of Opportunity Scholarships. Recipients are selected by lottery, with priority given to students applying to the program from public schools deemed in need of improvement (SINI) under No Child Left Behind. Scholars and policymakers have since questioned the extent to which SINI designations accurately signal school quality because they are based on levels of achievement instead of the more informative measure of achievement gains over time.

The third-year impact evaluation tracked the experiences of two cohorts of students. All of the students were attending public schools or were rising kindergartners at the time of application to the program. Cohort 1 consisted of 492 students entering grades 6–12 in 2004. Cohort 2 consisted of 1,816 students entering grades K–12 in 2005. The 2,308 students in the study make it the largest school voucher evaluation in the U.S. to employ the “gold standard” method of random assignment.

Voucher Effects

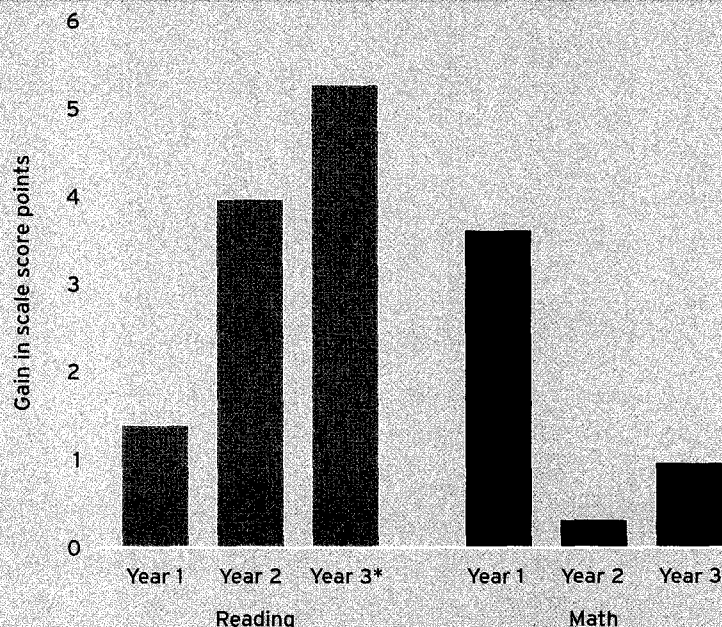
Researchers over the past decade have focused on evaluating voucher programs using experimental research designs called randomized control trials (RCTs). Such experimental designs are widely used to evaluate the efficacy of medical drugs prior to making such treatments available to the public. With an RCT design, a group of students who all qualify for a voucher program and whose parents are equally motivated to exercise private school choice, participate in a lottery. The students who win the lottery become the “treatment” group. The students who lose the lottery become the “control” group. Since only a voucher offer and mere chance distinguish the treatment students from their control group counterparts, any significant difference in student outcomes for the treatment students can be attributed to the program. Although not all students offered a voucher will use it to enroll in a private school, the data from an RCT can also be used to generate a separate estimate of the effect of voucher use (see sidebar, page 50).

Using an RCT research design, the ongoing IES evaluation found no impacts on student math performance but a statistically significant positive impact of the scholarship

program on student reading performance, as measured by the Stanford Achievement Test (SAT 9). The estimated impact of using a scholarship to attend a private school for any length of time during the three-year evaluation period was a gain of 5.3 scale points in reading. That estimate provides the impact on all those who ever attended a private school, whether for one month, three years, or any length of time in between (see Figure 1). Consequently, the estimate should

Hard Evidence (Figure 1)

The impact of the program on the reading scores of those students who used the scholarship to attend a private school for any period of time grew each year of the program, reaching a statistically significant level in year 3. In math, however, no statistically significant program impacts were detected.



*Statistically significant at the 95 percent confidence level

SOURCE: Wolf et al., “Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years,” National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 2009, Figure 3-3

be interpreted as a lower-bound estimate of the three-year impact of attending a private school, because many students who used a scholarship during the three-year period did not remain in private school throughout the entire period. The data indicate that members of the treatment group who were attending private schools in the third year of the evaluation gained an average of 7.1 scale score points in reading from the program.



What do these gains mean for students? They mean that the students in the control group would need to remain in school an extra 3.7 months on average to catch up to the level of reading achievement attained by those who used the scholarship

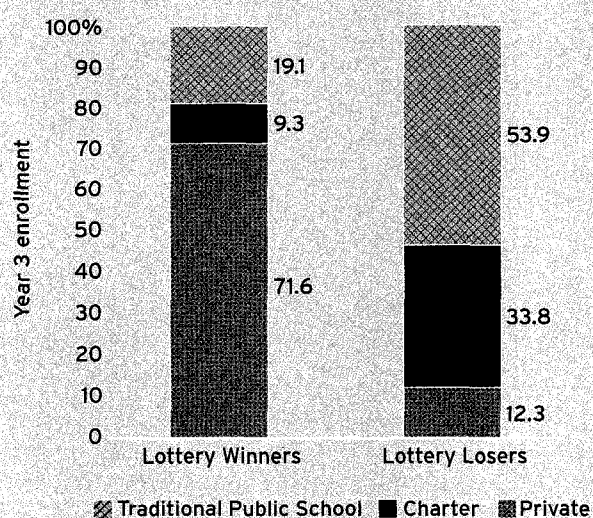
opportunity to attend a private school for any period of time. The catch-up time would have been around 5 months for those in the control group as compared to those who were attending a private school in the third year of the evaluation.

Over time, in my opinion, the effects of the program show a trend toward larger reading gains cumulating for students. Especially when one considers that students who used their scholarship in year 1 needed to adjust to a new and different school environment, the reading impacts of using a scholarship of 1.4 scale score points (not significant) in year 1, 4.0 scale score points (not significant) in year 2, and 5.3 scale score points (significant) in year 3 suggest that students are steadily gaining in reading performance relative to their peers in the control group the longer they make use of the scholarship. No trend in program impacts is evident in math.

What explains the fact that positive impacts have been observed as a result of the OSP in reading but not in math? Paul Peterson and Elena Llaudet of Harvard University, in a nonexperimental evaluation of the effects of school sector on student achievement, suggest that private schools may boost reading scores more than math scores for a number of reasons, including a greater content emphasis on reading, the use of phonics instead of whole-language instruction, and the greater availability of well-trained education content specialists in reading than in math. Any or all of these explanations for a voucher advantage in reading but not in math are plausible and could be behind the pattern of results observed for the D.C. Opportunity Scholarships. The experimental design of the D.C. evaluation, while a methodological strength in many ways, makes it difficult to connect the context of students' educational experiences with

Making the Best of It (Figure 2)

Nearly half the students who lost in the scholarship lottery nonetheless attended schools of choice.



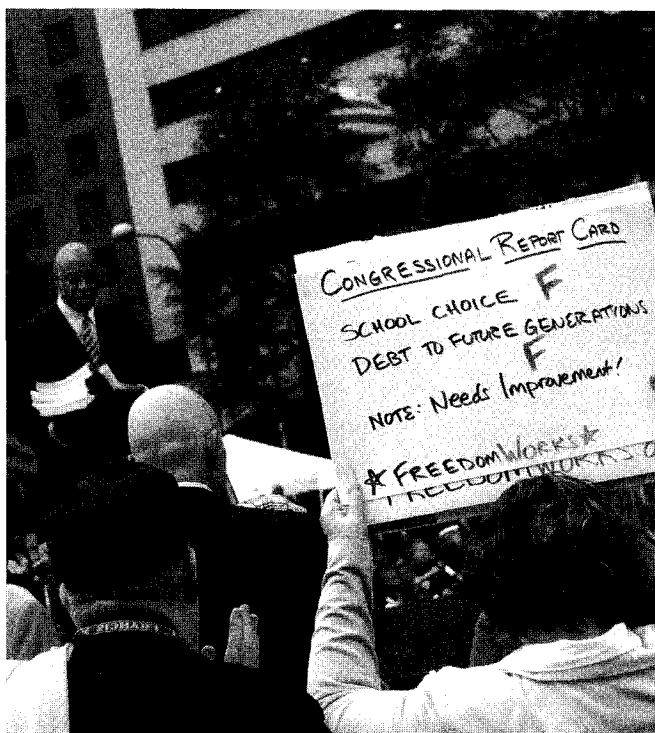
SOURCE: Wolf et al., "Evaluation of the DC Opportunity Scholarship Program: Impacts After Three Years," National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 2009, Table 2-7

specific outcomes in any reliable way. As a result, one can only speculate as to why voucher gains are clear in reading but not observed in math.

Student Characteristics

The OSP serves a highly disadvantaged group of D.C. students. Descriptive information from the first two annual reports indicates that more than 90 percent of students are African American and 9 percent are Hispanic. Their family incomes averaged less than \$20,000 in the year in which they applied for the scholarship.

Overall, participating students were performing well below national norms in reading and math when they applied to the program. For example, the Cohort 1 students had initial reading scores on the SAT-9 that averaged below the 24th National Percentile Rank, meaning that 75 percent of students in their respective grades nationally were performing higher than Chart 1 in reading. In my view, these descriptive data show how means tests and other provisions to target school voucher programs to disadvantaged students serve to minimize the threat of cream-skimming. The OSP reached a population of highly disadvantaged students because it was designed by policymakers to do so.



found that receiving a voucher resulted in no advantage in math or reading test scores for either [low achievers or students from SINI schools].”

The actual results of the evaluation provide no scientific basis for claims that some subgroups of students benefited more in reading from the voucher program than other subgroups. The impact of the program on the reading achievement of Cohort 1 students did not differ by a statistically significant amount from the impact of the program on the reading achievement of Cohort 2 students, Carnoy’s claim notwithstanding. Nor did students with low initial levels of achievement and applicants from SINI schools experience

significantly different reading gains from the program than high achievers and non-SINI applicants. The mere fact that statistically significant impacts were observed for a particular subgroup does not mean that impacts for that group are significantly different from those not in the subgroup. For example, Group A and Group B may have experienced roughly similar impacts, but the impact for Group A might have been just large enough for it to be significantly different from zero (or no impact at all), while Group B’s quite similar scores fell just below that threshold.

Participating students were performing well below national norms in reading and math when they applied to the program.

Did Only Some Students Benefit?

Several commentators have sought to minimize the positive findings of the OSP evaluation by suggesting that only certain subgroups of participants benefited from the program. Martin Carnoy states that “the treated students in Cohort 1 were concentrated in middle schools and the effect on their reading score was significantly higher than for treated students in Cohort 2.” Henry Levin likewise asserts that “the evaluators

From a scientific standpoint, three conclusions are valid about the achievement results in reading from the year 3 impact evaluation of the OSP:

1. The program improved the reading achievement of the treatment group students overall.
2. Overall reading gains from the program were not significantly different across the various subgroups examined.
3. Three distinct subgroups of students—those who were

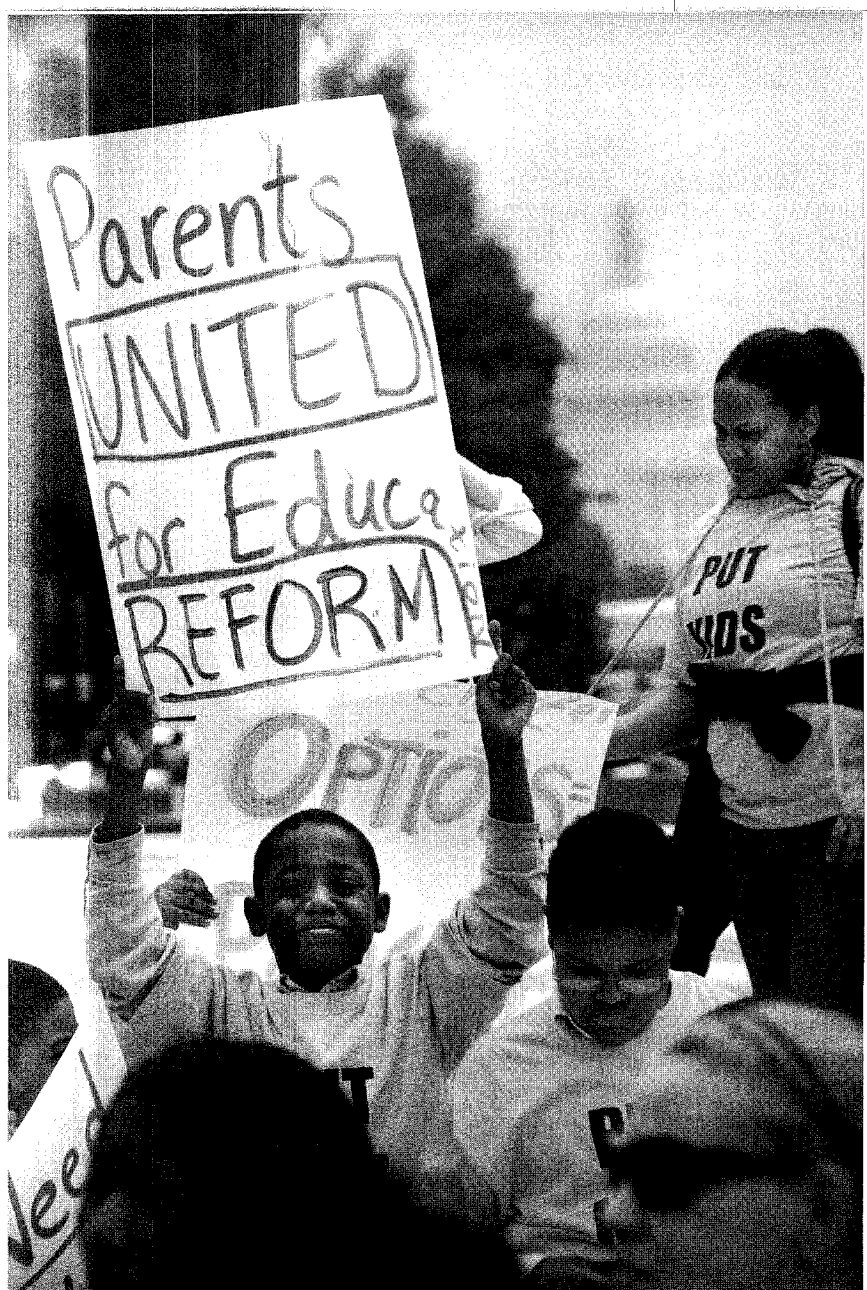
not from SINI schools, students scheduled to enter grades K-8 in the fall after application to the program, and students in the higher two-thirds of the performance distribution (whose average reading test scores at baseline were at the 37th percentile nationally)—experienced statistically significant reading impacts from the program when their performance was examined separately. Female students and students in Cohort 1 saw reading gains that were statistically significant with reservations due to the possibility of obtaining false positive results when making comparisons across numerous subgroups.

Why examine and report achievement impacts at the subgroup level, if the evidence indicates only an overall reading gain for the entire sample? The reasons are that Congress mandated an analysis of subgroup impacts, at least for SINI and non-SINI students, and because analyses at the subgroup level might have yielded more conclusive information about disproportionate impacts for certain types of students.

Expanding Choice

The OSP facilitates the enrollment of low-income D.C. students in private schools of their parents' choosing. It does not guarantee enrollment in a private school, but the \$7,500 voucher should make such enrollments relatively common among the students who won the scholarship lottery. The eligible students who lost the scholarship lottery and were assigned to the control group still might attend a private school but they would have to do so by drawing on resources outside of the OSP. At the same time, students in both groups have access to a large number of public charter schools.

The implication is that, for this evaluation of the OSP, winning the lottery does not necessarily mean private schooling, and losing the lottery does not necessarily mean education in a traditional public school. Members of both groups attended all three types of schools—private, public charter, and traditional public—in year 3 of the voucher experiment, although the proportions that attended each type differed markedly based on whether or not they won the scholarship lottery (see Figure 2). In total, about 81 percent of parents placed their child in a private or public school of choice three years after winning the scholarship lottery, as did 46 percent of those who lost the lottery. The desire for an alternative to a neighborhood public school was strong for the families who applied to the OSP in 2004 and 2005.



These enrollment patterns highlight the fact that the effects of voucher use reported above do not amount to a comparison between “school choice” and “no school choice.” Rather, voucher users are exercising private school choice, while control group members are exercising a small amount of private school choice and a substantial amount of public school choice. The positive impacts on reading achievement observed for voucher users therefore reflect the incremental effect of adding private school choice through the OSP to the existing schooling options for low-income D.C. families.

Parent Satisfaction

Another key measure of school reform initiatives is the perception among parents, who see firsthand the effects of changes in their child’s educational environment. Whenever school choice researchers have asked parents about their satisfaction with schools, those who have been given the chance to select their child’s school have reported much higher levels of satisfaction. The OSP study findings fit this

pattern. The proportion of parents who assigned a high grade of A or B to their child's school was 11 percentile points higher if they were offered a voucher, 12 percentile points higher if their child actually used a scholarship, and 21 points higher if their child was attending a private school in year 3, regardless of whether they were in the treatment group. Parents whose children used an Opportunity Scholarship also expressed greater confidence in their children's safety in school than parents in the control group.

Additional evidence of parental satisfaction with the OSP comes from the series of focus groups conducted independently

districts across the nation. Experimental evaluations of the achievement impacts of publicly funded voucher and privately funded K–12 scholarship programs have been conducted in Milwaukee, New York City, the District of Columbia, Charlotte, North Carolina, and Dayton, Ohio. Different research teams analyzed the data from New York City (three different teams), Milwaukee (two teams), and Charlotte (two teams). The four studies of Milwaukee's and Charlotte's programs reported statistically significant achievement gains overall for the members of the treatment group. The individual studies of the privately funded K–12 scholarship programs in the

The bulk of the available, high-quality evidence on school voucher programs suggests that they do yield positive achievement effects for participating students.

of the congressionally mandated evaluation. One parent emphasized the expanded freedom inherent in school choice:

“[The OSP] gives me the choice to, freedom to attend other schools than D.C. public schools...I just didn't feel that I wanted to put him in D.C. public school and I had the opportunity to take one of the scholarships, so, therefore, I can afford it and I'm glad that I did do that.” (Cohort 1 Elementary School Parent, Spring 2008)

Another parent with two children in the OSP may have hinted at a reason achievement impacts were observed specifically in reading:

“They really excel at this program, 'cause I know for a fact they would never have received this kind of education at a public school....I listen to them when they talk, and what they are saying, and they articulate better than I do, and I know it's because of the school, and I like that about them, and I'm proud of them.” (Cohort 1 Elementary School Parent, Spring 2008)

These parents of OSP students clearly see their families as having benefited from this program.

Previous Voucher Research

The IES evaluation of the DC OSP adds to a growing body of research on means-tested school voucher programs in urban

District of Columbia and Dayton reported overall achievement gains only for the large subgroup of African American students in the program. The three different evaluators of the New York City privately funded scholarship program were split in their assessment of achievement impacts, as two research teams reported no overall test-score effects, but did report achievement gains for African Americans; the third team claimed there were no statistically significant test-score impacts overall or for any subgroup of participants.

The specific patterns of achievement impacts vary across these studies, with some gains emerging quickly, but others, like those in the OSP evaluation, taking at least three years to reach a standard level of statistical significance. Earlier experimental evaluations of voucher programs were somewhat more likely to report achievement gains from the programs in math than in reading—the opposite of what was observed for the OSP. Despite these differences, the bulk of the available, high-quality evidence on school voucher programs suggests that they do yield positive achievement effects for participating students.

Conclusions

School voucher initiatives such as the District of Columbia Opportunity Scholarship Program will remain politically controversial in spite of rigorous evaluations such as this one, showing that parents and students benefited in some ways from the program. Critics will continue to point to the fact that no impacts of the program have been observed in math, or that

The D.C. voucher program has proven to be the most effective education policy evaluated by the federal government's official education research arm so far.

applicants from SINI schools, who were a service priority, have not demonstrated statistically significant achievement gains at the subgroup level, as reasons to characterize these findings as disappointing. Certainly the results would have been even more encouraging if the high-priority SINI students had shown significant reading gains as a distinct subgroup. Still, in my opinion, the bottom line is that the OSP lottery paid off for those students who won it. On average, participating low-income students are performing better in reading because the federal government decided to launch an experimental school choice program in our nation's capital.

The achievement results from the D.C. voucher evaluation are also striking when compared to the results from

other experimental evaluations of education policies. The National Center for Education Evaluation and Regional Assistance (NCEE) at the IES has sponsored and overseen 11 studies that are RCTs, including the OSP evaluation. Only 3 of the 11 education interventions tested, when subjected to such a rigorous evaluation, have demonstrated statistically significant achievement impacts overall in either reading or math. The reading impact of the D.C. voucher program is the largest achievement impact yet reported in an RCT evaluation overseen by the NCEE. A second program was found to increase reading outcomes by about 40 percent less than the reading gain from the DC OSP. The third intervention was reported to have boosted math achievement

by less than half the amount of the reading gain from the D.C. voucher program. Of the remaining eight NCEE-sponsored RCTs, six of them found no statistically significant achievement impacts overall and the other two showed a mix of no impacts and actual achievement losses from their programs. Many of these studies are in their early stages and might report more impressive achievement results in the future. Still, the D.C. voucher program has proven to be the most effective education policy evaluated by the federal government's official education research arm so far.

The experimental evaluation of the District of Columbia Opportunity Scholarship Program is continuing into its fourth and final year of studying the impacts on students and parents. The final evidence collected from the participants may confirm the accumulation of achievement gains in reading and higher levels of parental satisfaction from the program that were evident after three years, or show that those gains have faded. Uncertainty also surrounds the program itself, as the students who gathered on Freedom Plaza in May currently are only guaranteed one final year in their chosen private schools. What will policymakers see as they continue to consider the results of this evaluation? The educational futures of a group of low-income D.C. schoolchildren hinge on the answer.

Patrick J. Wolf is professor of education reform at the University of Arkansas and principal investigator of the D.C. Opportunity Scholarship Program Impact Evaluation. The opinions expressed in this article are his own.



Program on Education Policy & Governance

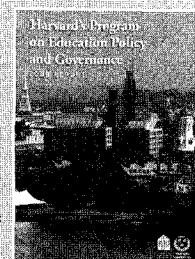
Recent Publications

PEPG 2008 Program Report

An appraisal of the program's recent research activities, their policy impact, and influence in the arena of K-12 education policy.

The full report is available at:

www.hks.harvard.edu/pepg/PDF/Annual_Reports/2008AR.pdf



School Choice International

Rajashri Chakrabarti and Paul E. Peterson, eds.
MIT Press, 2008

Public-private partnerships in education policy play an important role in enhancing the supply as well as the quality of human capital. In recent years, there has been a burgeoning of public-private partnerships in different parts of the world. The essays in this volume study public-private partnerships in different parts of the world, such as the Americas, Asia, Europe, Australia and New Zealand.



Schools and the Equal Opportunity Problem

Ludger Woessmann and Paul E. Peterson, eds.
MIT Press, 2007

Leading researchers from the United States and Europe report on new findings on the effect of education on equal opportunity, using economic and statistical techniques to assess the results of education policy reform in countries including the United States, Britain, Sweden, Germany, and Italy.



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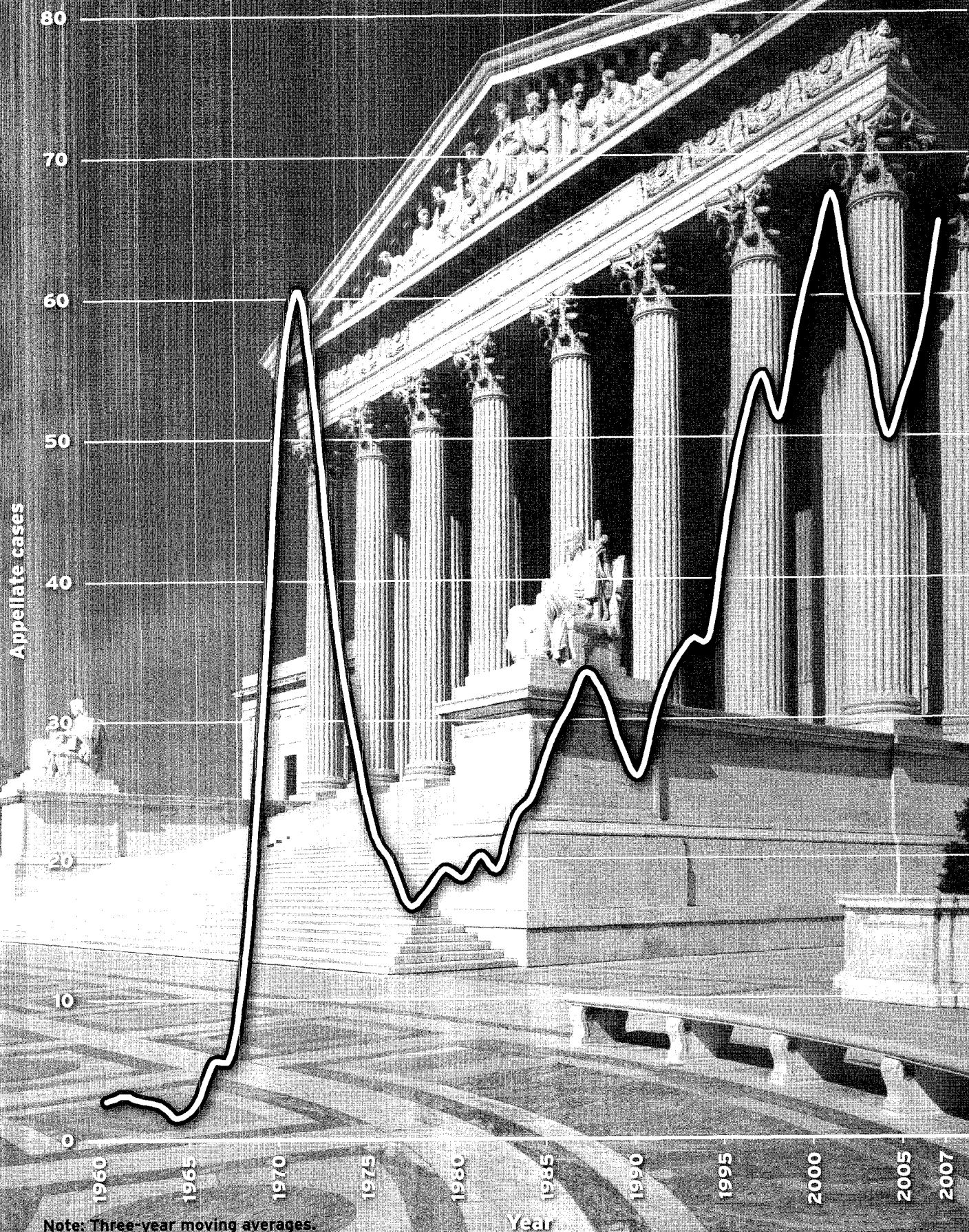
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On the Upswing (Figure 1)

The number of K-12 public school discipline cases reaching appellate courts recently surpassed the surge of the early 1970s



Note: Three-year moving averages.

SOURCE: Richard Arum and Doreet Preiss, "Still Judging School Discipline," in Joshua M. Dunn and Martin R. West, eds., *From Schoolhouse to Courthouse: The Judiciary's Role in American Education* (Brookings, 2009).

Law and Disorder in the Classroom

**Emphasis on student rights
continues in classrooms even when the Court
begins to think otherwise**

Students will test the limits of acceptable behavior in myriad ways better known to school teachers than to judges; school officials need a degree of flexible authority to respond to disciplinary challenges; and the law has always considered the relationship between teachers and students special.

— Supreme Court Justice Stephen Breyer

In *Morse v. Frederick*, a 2007 First Amendment student free speech case, the Supreme Court held that a school official may restrict student speech at a school-supervised event when that speech is viewed as promoting illegal drug use. Filing a separate opinion, Justice Stephen Breyer echoed concerns expressed by his conservative colleagues that school authority was being undermined by legal challenges. Since the 1960s, courts have become increasingly involved in regulating U.S. schooling in general, but especially in the area of school discipline. Justice Breyer noted in his opinion, “Under these circumstances, the more detailed the Court’s supervision becomes, the more likely its law will engender further disputes among teachers and students.”

School discipline is a critical area for research, as student interaction with school institutional authority is one of the primary mechanisms whereby young people come into contact with and internalize societal norms, values, and rules. It is thus significant that the number of cases reaching state and federal appellate courts has surged back up to levels attained during the early 1970s when civil rights cases had a central place on the national

By RICHARD ARUM and DOREET PREISS

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political agenda (see Figure 1). Our research indicates that both educators and students understand the former's authority to be more limited and the latter's rights more expansive than has actually been established by case law.

School Discipline in Court

Until the late 1960s, parents and students rarely challenged the disciplinary actions of school authorities, viewing common schools as providing instruction, instilling virtue, and fostering the ideals of our nation. Then, as conceptions of youth

that involve students and families suing schools for failing to provide adequate discipline within school facilities. These cases have alleged climates that permit bullying, sexual harassment, or other forms of school violence (including school shootings). Thus, in recent years, schools have been sued for both disciplining students and not disciplining them.

Since 1975, the Supreme Court has generally been less favorable toward students than it was during the early years of the civil rights movement. This shift in orientation occurred for diverse reasons, including growing public concern about the level of violence and disorder in public schools, the



ALL PHOTOS / AP IMAGES

***In re Gault* (1967) granted due process rights to youth in juvenile courts, and set an important precedent for the future expansion of rights to students under the due process clause of the Fourteenth Amendment.**

rights began to shift, and as institutions that provided support for the expansion of these rights emerged, students and parents, with the support of public-interest lawyers, began to question and challenge school disciplinary practices in court.

Table 1 summarizes key school-related rulings from the Supreme Court over the last 40 years. From 1969 to 1975, amid increasing legal challenges to the regulation of student expression in school, the Court's rulings largely confirmed students' rights to various free expression and due process protections. The most important decision affecting how schools approach student discipline was *Goss v. Lopez*, decided by the Supreme Court in 1975. During a patriotic assembly at Central High School in Columbus, Ohio, in 1971, expressions of student unrest over the lack of African American curricula turned into a week of demonstrations and disturbances. Dozens of students were suspended for up to 10 days without formal hearings or notification of the specific charges against them. The Supreme Court case hinged on whether the disciplinary actions improperly denied students their rights to a public education. In ruling for the students, the Court granted "rudimentary" due process rights to those suspended from school for fewer than 10 days, as well as "more formal protections" for students facing longer exclusions.

In recent years, courts at all levels have dealt with cases challenging the enforcement of "zero-tolerance" policies that establish severe and nondiscretionary punishments for violations involving weapons, violence, drugs, or alcohol. At the same time, an increasing number of cases have appeared in lower courts

changed political climate following the end of the Vietnam era, and a pattern of increasingly conservative judicial appointments during the Nixon, Reagan, and Bush administrations. The Supreme Court's 2007 decision in *Morse v. Frederick* continued the post-1975 pattern of sympathy with schools that are facing challenges to their disciplinary authority, but did not, as some of the media coverage implied, alter the general contours of student rights as previously established. Its June 2009 decision in *Safford United School District v. Redding*, in which eight justices agreed that a near strip-search of an 8th-grade girl suspected of concealing prescription-strength ibuprofen was unconstitutional, at first glance appears to be an exception—a sign that the courts will continue to watch over the shoulders of school officials to ensure that reasonableness and proportionality prevail. Yet a majority on the court ruled that the administrators who conducted the search could not be held personally liable because of the uncertainty of the law in this area.

Appellate Case Patterns

While Supreme Court decisions are important because every school in the nation must adhere in principle to its rulings, these few landmark cases do not encompass the universe of legal challenges regarding school discipline and related policies. To discern the larger contours of the legal climate facing schools, we analyzed all appellate-level federal and state court cases in which school efforts to discipline and control students have been

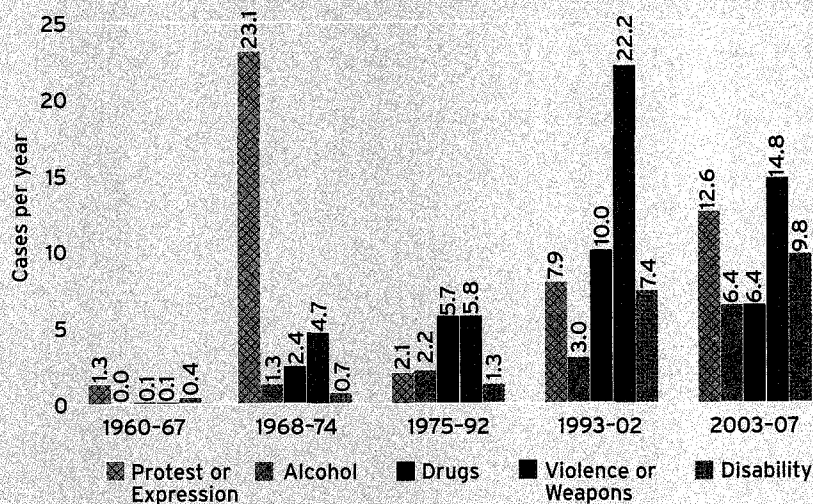
Landmark Cases in School Discipline (Table 1)

Supreme Court shift toward the schools began after 1975

Case	Issue	Ruling and Import
1967 <i>In re Gault</i>	Juvenile court sent 15-year-old to detention home without legal representation.	For juvenile defendant. Court granted due process rights to youth in juvenile courts.
1969 <i>Tinker v. Des Moines Independent Community School District</i>	Three Iowa students were disciplined for black armbands as a sign of protest to the "hostilities in Vietnam."	For the students. In the first major school discipline case to reach the Supreme Court, the Court said that students and teachers do not "shed their constitutional rights to freedom of speech or expression at the school house gate."
1975 <i>Goss v. Lopez</i>	Following protest about absence of African American history curriculum, students were suspended without formal administrative process.	For the students. Court granted "rudimentary" due process rights to students facing short term suspensions and "more formal protections" for students facing longer exclusions from school.
1975 <i>Wood v. Strickland</i>	Two Arkansas 10th graders were expelled without due process for spiking the punch at an extra-curricular activity.	For the students. Ruling established that a public school educator knowingly violating students' constitutional rights is subject to the risk of personal liability and damages.
1977 <i>Ingraham v. Wright</i>	Two junior high school students were paddled for infractions.	For the district. Court ruled that corporal punishment is not "cruel and unusual" under the Constitution.
1985 <i>New Jersey v. T.L.O.</i>	A principal searched the purse of a student suspected of drug possession.	For the district. Court ruled that school officials with reasonable suspicion may search students without a warrant.
1986 <i>Bethel School District v. Fraser</i>	Student faced two-day suspension for delivering a lewd speech at school assembly.	For the district. Court ruled that schools may prohibit vulgar and offensive student speech.
1995 <i>Vernonia School District v. Wayne Acton</i>	District's drug and urinalysis testing policy violated Fourth Amendment protections.	For the district. Court deemed drug testing policy reasonable in light of the district's demonstrated drug problems.
2002 <i>Board of Education of Independent School District No. 92 of Pottawatomie County v. Lindsay Earls et. al</i>	District's urinalysis testing policy violated constitutional protections against unreasonable searches.	For the district. Court declared that suspicion of specific individual was not required to justify testing.
2007 <i>Morse v. Frederick</i>	Principal suspended student for refusing to take down "Bong Hits for Jesus" banner at a school-sponsored event.	For the district. Court said that student free speech rights do not include advocacy of illegal activity such as drug use.
2009 <i>Safford Unified School District v. Redding</i>	School officials conducted a strip search of an 8th-grade girl suspected of possessing prescription-strength ibuprofen.	For the student. Court ruled that student searches must not be "excessively intrusive in light of the age and sex of the student and the nature of the infraction." Implicated school officials were not personally liable because this standard had not been clearly established in the 1985 <i>New Jersey v. T.L.O.</i> decision

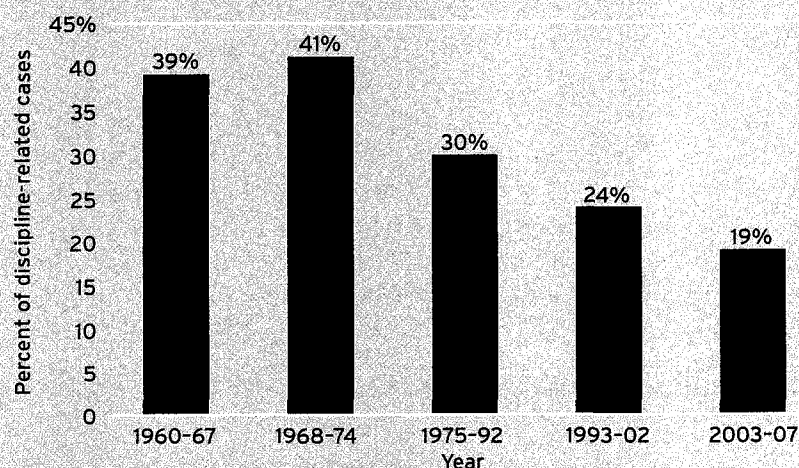
Laying Down the Law (Figure 2a)

Ongoing changes in the composition of discipline cases pose fresh challenges for the standards developed in earlier cases.



(Figure 2b)

The proportion of appellate cases with pro-student rulings continues to decline.



SOURCE: Richard Arum and Doreet Preiss, "Still Judging School Discipline," in Joshua M. Dunn and Martin R. West, eds., *From Schoolhouse to Courthouse: The Judiciary's Role in American Education* (Brookings, 2009).

excluded cases in which students allege that school authorities have breached their duty to maintain safety in the school and to protect students from harm.

Of course, we did not include the vast majority of litigation, which was either settled before hearing or never reached state and federal appellate courts. Still, our methods provide a way to gauge the general character and broad trends in legal challenges that contemporary educators face. Appellate-level court cases define case law, generate media coverage, influence public perceptions, and can be tracked over time as an empirical indicator of the broad parameters of court climate toward school discipline. We found that not only has the frequency of legal challenges greatly varied over time, but the content and direction of outcomes has shifted as well.

The newfound willingness to challenge school authority became evident in the surge of litigation during the late 1960s. In part because of increased institutional support from public-interest legal advocacy groups and the legal services program of the Office of Economic Opportunity, from 1968 to 1975 an average of 39.1 public school K-12 cases per year reached the appellate level. After important legal precedents were set and institutional support waned, the average number of cases declined but then took a sharp upturn from 1993 on, with a peak of 76 cases in 2000 and a total of 65 in 2007. We present here the overall number of cases rather than a relative measure accounting for public school enrollment, given that media coverage and individual

challenged. As a whole, decisions in these cases are often complex and contradictory in providing practical guidance to schools regarding specific disciplinary matters. We included cases involving the use of state agents (such as the police) acting on behalf of school authorities to deal with students in the vicinity of school grounds. We excluded instances of conflicts between schools and teachers (such as teacher dismissal cases) and between schools and nonstudent outsiders (such as drug- and weapon-free-zone cases that did not involve students), as well as student rights cases focused exclusively on free speech issues (that is, those not combined with the school's use of suspension, expulsion, corporal punishment, and transfer). We also

understandings reflect the former indicator. Nevertheless, a measure of state and federal court cases calculated per enrolled student would demonstrate similar upward trends, more than doubling from the years 1976-1992 to the 2003-2007 period.

The substance of the cases brought before the courts has also varied over time, with protest and free expression cases decreasing markedly through 1992 (see Figure 2a). Recently, courts have witnessed a reemergence of these issues. Cases involving alcohol and drugs rose during the intermediate time periods that coincided with national attention to the "War on Drugs" and then diminished. Those involving weapons and violence have increased to nearly 40 percent of all K-12 public

school discipline cases since 1993. In addition, school discipline court cases increasingly have involved student disability. From 2003 to 2007, 18 percent of cases included discussion of student disability status. Since the 1970s, legal entitlements and protections have grown for students classified as disabled because of learning, physical, or behavioral handicaps (including psychological disorders that are associated with the manifestation of student misbehavior). Special education students thus gained additional protections related to school discipline, particularly in cases in which infractions could be attributed to the individual's disability.

Melissa Velez and Richard Arum for Common Good in 2003 examined the proportion of public school educators (a combined sample of teachers and administrators) who reported that either they or someone they knew personally had been sued by a student or parent. Educators in suburban schools with less than 70 percent nonwhite students had a 47 percent probability of having experienced contact with an adversarial legal challenge compared to a 40 percent chance for educators in all other schools. Although much of the development of student rights originally emerged from concern about nonwhite students in urban



***Tinker v. Des Moines* (1969) ruled for students who were disciplined for wearing black armbands as a sign of protest against the Vietnam War. The court stated that students and teachers do not “shed their constitutional rights to freedom of speech at the school house gate.”**

Over time, we found that courts in general have become less favorable to student claims across these areas of litigation (see Figure 2b). However, since the number of court challenges has increased in recent decades, the likelihood of a school facing a legal environment in which a student has recently been successful in a court challenge over school discipline has not significantly diminished.

Socioeconomic Disparities

Many of the early school discipline cases were brought to ensure that the rights of less-advantaged students were protected. New evidence suggests, however, that litigation is increasingly used strategically and instrumentally by families from relatively privileged origins to promote the interests of their children. Research (by Irene Beattie, Josipa Roksa, and Richard Arum) that examined appellate court cases from 2000 to 2002 found that, on average, those cases emerged from secondary schools with 29 percent nonwhite students compared to 37 percent nonwhite students in the national population of secondary schools (the latter weighted for enrollment size to be comparable to the court case data); appellate cases also emanated from schools with more educational resources per student (student/teacher ratios of 16.3 compared to 17.5 nationally).

National surveys of teachers and administrators reveal a similar middle-class bias in legal challenges. A reanalysis of a Harris survey of teachers and administrators conducted by

areas, educators in those settings had only a 41 percent probability of contact with a legal challenge.

In collaboration with colleagues working on the School Rights Project (Lauren Edelman, Calvin Morrill, and Carolyn Tyson), we conducted a national telephone survey of 600 high school teachers and administrators and site-based surveys of 5,490 students and 368 educators on perceptions and experiences of the law in schools. In our site-based work, which included in-depth interviews and ethnographic fieldwork, we examined 24 high schools with varying legal environments situated across three states (New York, North Carolina, and California), stratified by school type (traditional public, charter, and Catholic) as well as by student socioeconomic composition. We found that 15 percent of public school teachers and 55 percent of public school administrators have been threatened with a legal suit over school-related matters. For administrators with more than 15 years of experience in the position, the figure rose to 73 percent. Administrators' actual experience with being sued for school-related matters occurs at a lower rate (14 percent), but is still the source of considerable professional anxiety, given that these cases—following *Wood v. Strickland* (1975)—include vulnerability to personal liability claims. We again found that legal challenges are concentrated in schools with more-privileged students. When we looked solely at administrators working in urban public schools with more than half of students eligible for free lunch, we found—albeit with a sample of only 16 cases—not a single report of administrators being sued for a school-related matter.

That legal mobilization is dependent on economic resources needed to pursue such challenges is in general not surprising. We documented evidence of this association, however, to illustrate that regardless of the institutional and political origins of student rights, today legal mobilization in schools largely reflects patterns of socioeconomic inequalities. In the School Rights Project, we found that white students were nearly twice as likely as nonwhite students to report having pursued a formal legal remedy for a perceived rights violation.

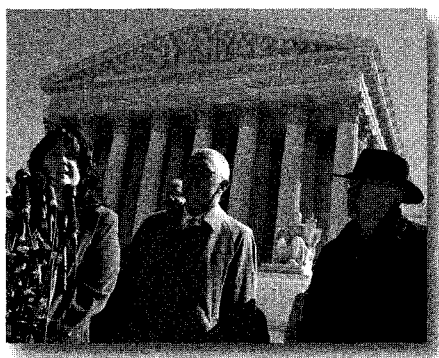
Legal Understandings and School Practices

Legal mobilization is a relatively rare occurrence, a small tip of a much larger legal-dispute pyramid. School discipline today is profoundly shaped by legal understandings that are only partially and indirectly related to formal regulation and case law. We highlight here the extent to which both students and educators have developed an expansive definition of legal rights of students, the relationship between this sense of legal entitlement and school disciplinary practices, and perceptions of the fairness and legitimacy of various school disciplinary practices.

The institutionalization of student due process protections goes well beyond appellate case law, having been enshrined in extensive state statutes and administrative regulations. The accompanying sidebar (page 65) provides a sense of the extent to which law has come to permeate school practices by highlighting codified disciplinary procedures in New York City. While discipline policies vary across schools, districts, and states—and as the nation's largest school district the New York City public schools are likely more bureaucratized

protections when facing minor discipline and more formal due process protections when facing more serious forms of discipline (such as long-term expulsion or suspension). The *Goss* decision delineated procedural safeguards, stating that “the student be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story.” More formal due process protections may include the right of students to “summon the accuser, permit cross-examination, and allow the student to present his own witnesses. In more difficult cases, he (the disciplinarian) may permit counsel.”

We are interested in individuals' perceptions of such protections, since students' and educators' beliefs about rights likely have real consequences for school authority and disciplinary procedures. In the School Rights Project, we specifically asked students and teachers which due process protections were required when students faced various disciplinary sanctions. We found that while expectations of formal due process protections were broadly diffused for students when facing major disciplinary actions, many of them had also come to expect these legal entitlements when facing minor day-to-day discipline. For example, 62 percent of public school students in our sample believed that, if faced with long-term suspension or expulsion, they were legally entitled to at least one of the following: a formal disciplinary hearing, opportunity to be represented by legal counsel, opportunity to confront and cross-examine witnesses bringing the charges, or opportunity to call witnesses to provide alternative versions of the incident. Approximately one-third of students also believed that they were legally entitled to some form of formal due



***Morse v. Frederick* (2007) The principal suspended a student for refusing to take down his “Bong Hits for Jesus” banner. The court ruled for the district, stating the free speech rights do not include advocacy of illegal activities, such as drug use.**

and formalized in matters of school discipline than smaller districts—the scale, scope, and level of complexity of the legal regulations affecting day-to-day school practices appear quite formidable.

Generally speaking, educators and students have developed a set of legal understandings that assumes a broad and expansive definition of student legal entitlements. Following the *Goss* decision, students have been granted rudimentary due process

process protection when they had their grades lowered for disciplinary reasons (33 percent), were suspended from extracurricular activities (36 percent), or faced in-school suspension (35 percent).

We found that students' sense of legal entitlement was expansive, and that teacher and administrator expectations of required student due process protections were even more so. For example, when asked about lowering student grades for

Due Process in the Big Apple

At the start of each school year, parents of public school students in New York City receive a 28-page pamphlet titled *Citywide Standards of Discipline and Intervention Measures: The Discipline Code and Bill of Student Rights and Responsibilities, K-12*. Schools require parents and students to return a signed form acknowledging that they are familiar with the guidelines specified in this document. The brochure lists 112 different infractions and specifies the range of possible disciplinary responses and guidance interventions associated with each type of incident. "The Right to Freedom of Expression and Person" is a topic specified in detail, and the section on "The Right to Due Process" notes 10 specific components of students' rights:

1. be provided with the Discipline Code and rules and regulations of the school;
2. know what is appropriate behavior and what behaviors may result in disciplinary actions;
3. be counseled by members of the professional staff in matters related to their behavior as it affects their education and welfare within the school;
4. know possible dispositions and outcomes for specific offenses;
5. receive written notice of the reasons for disciplinary action taken against them in a timely fashion;
6. due process of law in instances of disciplinary action for alleged violations of school regulations for which they may be suspended or removed from class by their teachers;
7. know the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
8. be accompanied by a parent/adult in parental relationship and/or representative at conferences and hearings;
9. the presence of school staff in situations where there may be police involvement;
10. challenge and explain in writing any material entered in their student records.

The pamphlet notes that "students with disabilities are entitled to additional due process protections described in Chancellor's Regulation A-443" and "when a student is believed to have committed a crime, the police must be summoned and parents must be contacted (see Chancellor's Regulation A-412)." Ten other specific Chancellor's Regulations are referenced in the document (A-420, A-421, A-449, A-450, A-750, A-801, A-820, A-830, A-831, A-832) in addition to the acknowledgment that all procedures must also comply with relevant "State Education Law and Federal Laws." While school officials "must consult the Disciplinary Code when determining which disciplinary measure to impose," they also are required to consider "the student's age, maturity, and previous disciplinary record...the circumstances surrounding the incident leading to the discipline; and the student's IEP, BIP and 504 Accommodation Plan."

disciplinary reasons, approximately half of public school teachers and administrators responded that this action was prohibited; among the educators who did think such disciplinary actions were permissible, 32 percent reported that students subject to such disciplinary sanctions were entitled to formal due process protections.

In the School Rights Project, we found that increased perceptions of student legal entitlements correlate with decreased reports of the fairness of school discipline. This conclusion mirrors James Coleman's finding that Catholic school students in the 1980s were significantly more likely to perceive school discipline to be fair than public school students, who possessed far greater formal legal protections. Educators and students have developed a generalized sense of legal entitlements, while school practices have, in many settings, become increasingly authoritarian, with student misbehavior often subject to crim-

inalization and formal legal sanction. These internal contradictions enhance students' sense of the unfairness of school discipline. Longitudinal research has demonstrated that students who perceive school discipline as unfair are more likely to disobey teachers, disrupt classroom instruction, and in general fail to develop behaviors conducive to educational success and related positive outcomes.

Also, in recent decades schools have moved away from disciplinary practices that rely on the judgment, discretion, and action of professional educators and have turned instead to reliance on school security guards, uniformed police, technical surveillance, security apparatus, and zero-tolerance policies. The latter techniques are ill suited to the pedagogical task of enhancing the moral authority of educators to support the socialization of youth, that is, the internalization of norms, values, and rules.

Conclusion

Citizens, legislators, judges, and policymakers have begun to recognize and question legal interventions in situations involving school discipline and authority. We add to this discussion our findings that the legal understandings underlying school discipline policies depart in significant ways from the case law on which they are assumed to be based, according expansive rights and protections to students, even as the courts have tended to side with school authorities. We also document that although public-interest lawyers were initially motivated to expand student legal rights as part of a larger strategy to reduce social inequality, legal challenges to school disciplinary actions are disproportionately the province of white and higher-income students and their families.

The expansion of student legal entitlements has been accompanied by the increasing formalization and institutionalization of school discipline. As educators' discretionary authority over school discipline has been challenged and undermined, counterproductive authoritarian measures such as zero-tolerance policies have been implemented in its place. But to be educationally effective, school discipline requires that educators have moral authority and students perceive their actions as legitimate and fair. Ironically, the

expansion of student legal rights, rather than enhancing youth outcomes, has increased the extent to which schools have relied on authoritarian measures, decreased the moral authority of educators, and diminished the capacity of schools to socialize young people effectively.

As various social and political actors consider legal regulatory reforms, it is important to recognize that the expansion of students' legal entitlements has also increased the potential for student dissent in U.S. schools, whether of a political, religious, or ideological character. At the same time, individual students and families with sufficient resources are able to contest what they perceive as unfair disciplinary sanctions or rights violations. These gains have come at a pedagogical and societal cost, as the resolution of school disciplinary matters has increasingly moved—as Justice Breyer feared—from the schoolhouse to the courthouse.

Richard Arum is professor of sociology and education at New York University, where Doreet Preiss is a research fellow and doctoral candidate. This essay is adapted from "Still Judging School Discipline," in Joshua M. Dunn and Martin R. West, eds., From Schoolhouse to Courthouse: The Judiciary's Role in American Education (Brookings, 2009).

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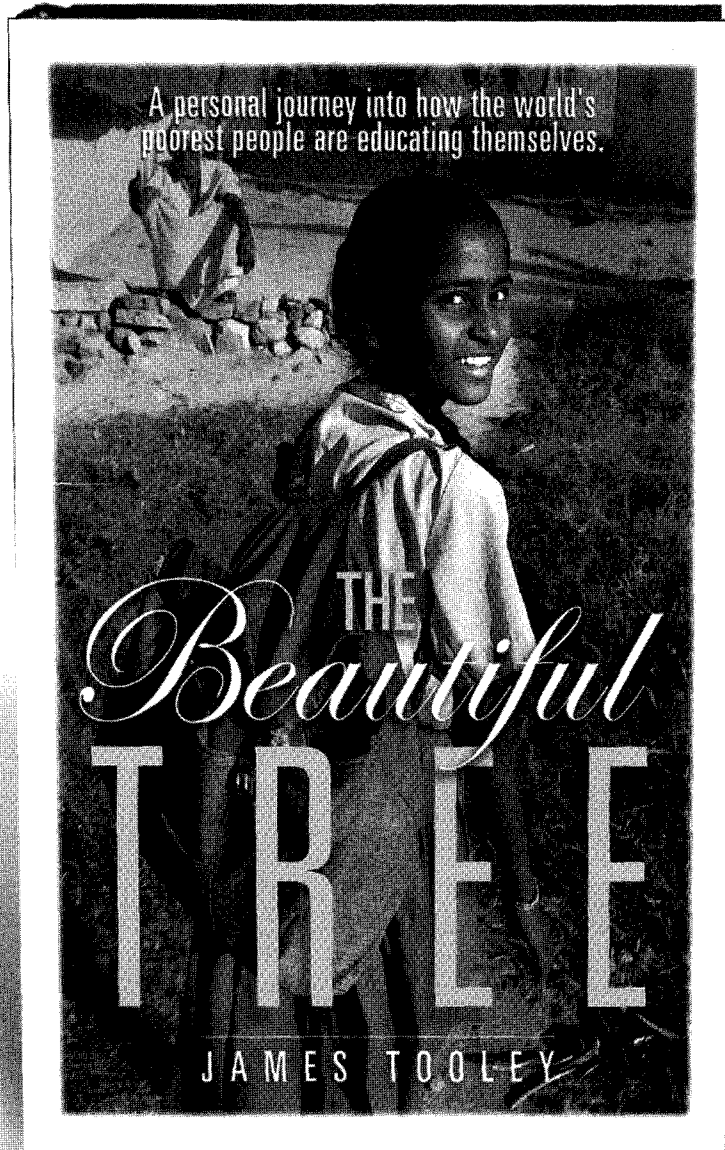
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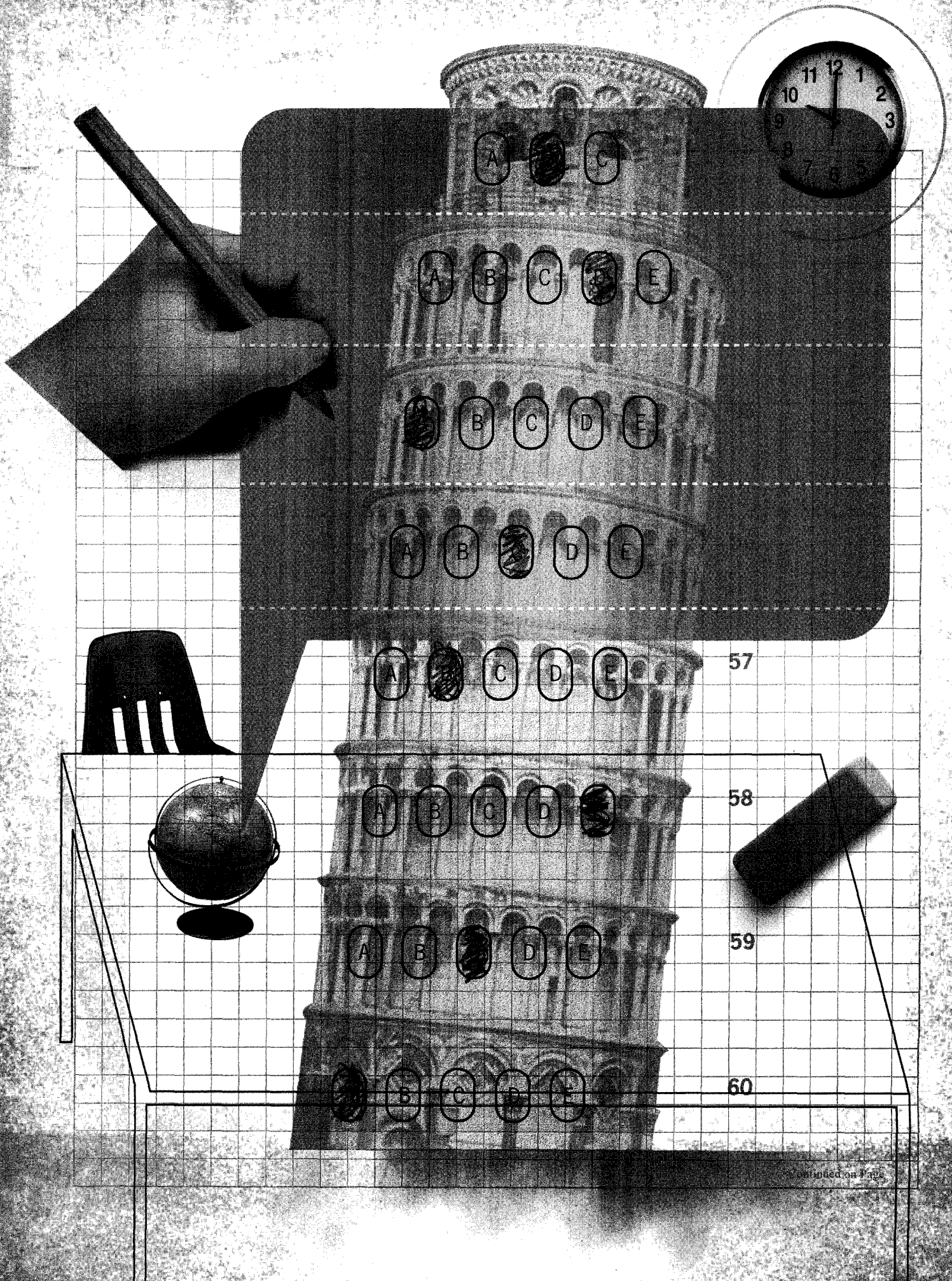
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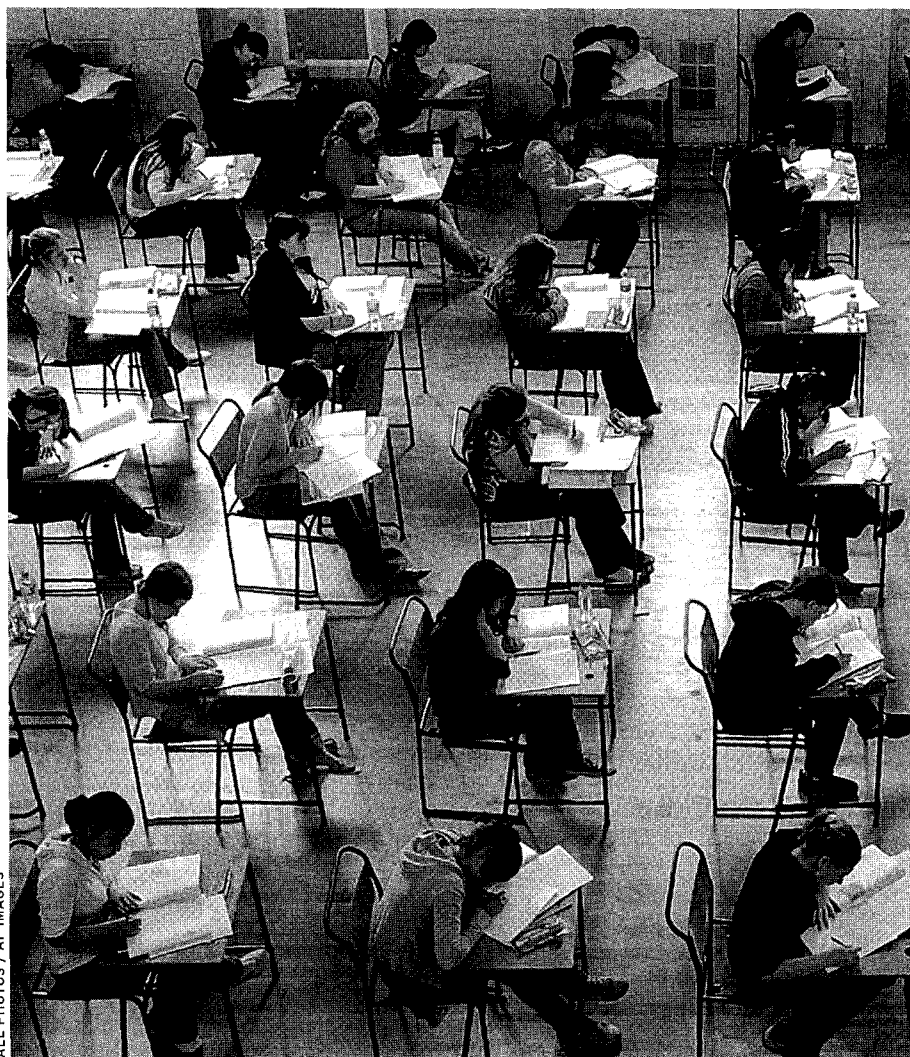
The International PISA Test

A risky investment for states

By Mark Schneider

Recent months have brought an ever-louder drumbeat in support of state-level participation in the Programme for International Student Assessment (PISA), with a weaker chorus calling for states to participate in the Trends in International Mathematics and Science Study (TIMSS). What would be gained if, in addition to the nation as a whole, individual states were to participate directly in these assessments by testing a much larger and more representative sample of students? Not as much as many advocates would have us believe, and probably not enough to justify the considerable cost. Despite the growing infatuation with international comparisons of student performance and the illuminating feedback they can provide on how young Americans are doing relative to students in other countries, current international assessments cannot generate a great deal of reliable policy advice. In other words, they're better at showing how our children's academic performance (in certain subjects) compares with that of their overseas agemates than at guiding us toward stronger U.S. schools.

If states choose to spend a fortune on such tests, it's because their leaders believe, in the words of the National Governors Association (NGA), that



ALL PHOTOS / AP IMAGES

doing so will lead to "policy solutions to U.S. education system shortcomings." This is the first of two justifications given for these efforts, which are widely referred to as "international benchmarking." The second purpose is the straightforward comparison of U.S. students and their peers in other countries. Here, the resulting "league tables"

are the center of attention, and these results are often described, and almost as often decried, as a "horse race" or an "Olympics contest" with an attendant fixation on who's winning and who's losing. Absent is an acknowledgment that these assessments embody particular assumptions and beliefs about what should be measured.

ILLUSTRATION / STUART BRADFORD

As states consider funding and administering international assessments for themselves, such facts must be kept in mind and key questions addressed. Among them are, what will states get as a result of participation? How much will it cost? Are there easier and cheaper ways of obtaining the desired information? We begin with a comparison of PISA and TIMSS, the two most prominent international assessments (see sidebar for additional information).

PISA v. TIMSS

PISA is a self-proclaimed “yield study” assessing the “literacy” of 15-year-olds and is not tied to any specific curricula. PISA claims to be assessing the skills young adults will need in the emerging global economy. Never modest, the report releasing the 2003 PISA results was titled “Learning for Tomorrow’s World” and the 2006 PISA results “Science Competencies for Tomorrow’s World.”

TIMSS is more grade- and curriculum-centered and far more modest in

its claims. As described in the release of the 2007 data, “TIMSS is designed to align broadly with mathematics and science curricula in the participating countries. The results, therefore, suggest the degree to which students have learned mathematics and science concepts and skills likely to have been taught in school.”

PISA has not hesitated in making the most of these differences, and the high visibility of the Organisation for Economic Co-operation and Development (OECD) has ensured that PISA is the most prominent of the international assessments. Indeed, while in public the NGA is careful to say that it is in favor of international benchmarking in general and not in favor of any particular test, in practice the organization has tended to favor PISA. For example, a background paper the NGA released in February 2008 concludes by promising that “the National Governors Association will work with states interested in state-level PISA administration to identify available resources

and cost-savings options to support state participation.” (In this three-page memo, TIMSS rated just one sentence.)

More recently, the NGA, the Council of Chief State School Officers, and Achieve released a report titled “Benchmarking for Success: Ensuring U.S. Students Receive a World-Class Education,” calling for state scores on international assessments. PISA was mentioned far more frequently than TIMSS, and the head of the PISA project at OECD, Andreas Schleicher, was repeatedly quoted.

The Alliance for Excellent Education has made an even stronger appeal for state participation in PISA, calling our failure to participate at that level “myopic.”

Most state interest is in the science and math assessments of PISA and TIMSS. In 1995, TIMSS participants included five states and one consortium of school districts. In 1999, just before PISA was launched, 13 states plus 14 consortia of school districts participated in TIMSS. Only two states, Massachusetts and Minnesota, funded their own participation in the 2007 TIMSS. No U.S. states have independently participated in PISA or PIRLS thus far.

The results of the three assessments are often compared to those of the National Assessment of Educational Progress (NAEP), which in the United States currently dwarfs the international assessments in scope. In 2007, the NAEP 8th-grade math exams involved more than 150,000 students in approximately 7,000 schools. The 8th-grade 2007 TIMSS assessed some 7,400 U.S. students in fewer than 250 schools. PISA in 2006 involved only 5,600 15-year-olds in around 170 schools.

The difference in size of these assessments is important: in reading and math in 4th and 8th grade, NAEP can report state-by-state performance every two years and, through the Trial Urban District Assessment program, NAEP can present data on a growing

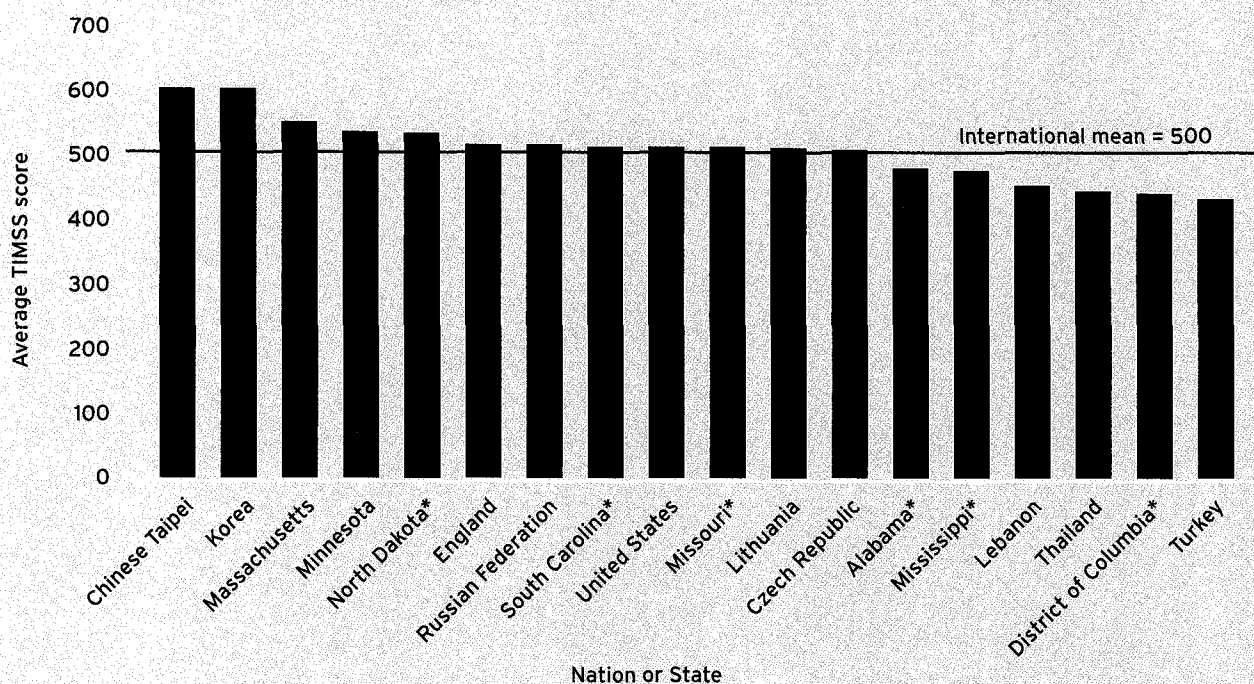
A Quick Guide to International Student Assessments

The three main programs are known widely by their acronyms:

- PIRLS (Progress in International Reading Literacy Study) is an assessment of 4th-grade reading administered every five years under the auspices of the International Association for the Evaluation of Educational Achievement (IEA). Fifty-five countries are expected to participate in 2011.
<http://nces.ed.gov/surveys/pirls/>
- TIMSS (Trends in International Mathematics and Science Study) is IEA's assessment of student achievement in 4th- and 8th-grade science and math and is conducted every four years. Some 67 countries administer TIMSS.
<http://nces.ed.gov/timss/>
- PISA (Programme for International Student Assessment) is an evaluation of reading, math, and science “literacy” among 15-year-olds. The Organisation for Economic Co-operation and Development (OECD) conducts PISA every three years, emphasizing one of the subjects on a revolving basis. The emphasis in 2006 was science; in 2009 it will be reading. Participation in PISA has grown from 43 countries in 2000 to an expected 65 countries in 2009.
<http://nces.ed.gov/Surveys/PISA/>

How Do the States Stack Up? (Figure 1)

State performance can be compared to the performance of countries participating in the Trends in International Mathematics and Science Study (TIMSS) through statistical benchmarking, in this case by putting 8th-grade math test-score data from the 2007 National Assessment of Educational Progress on the scale used for TIMSS.



*Estimated

SOURCE: G. W. Phillips, "International Benchmarks in Mathematics for American States and School Districts," American Institutes for Research, 2009

number of large school districts. In contrast, the small size of the PISA and TIMSS samples in most states makes state-level reporting difficult, though not impossible.

Statistical Benchmarking

One relatively inexpensive way in which state performance can be gauged against international measures is through statistical linking. Figure 1 shows TIMSS scores for 8th-grade math for seven states plus the District of Columbia and an equal number of countries. This figure is based on work by Gary Phillips of the American Institutes for Research, who has estimated 2007 TIMSS scores for all states by placing TIMSS and

NAEP on the same scale. Such statistical linking can be more easily done with TIMSS than with PISA because TIMSS is administered at the same grade levels as NAEP, and their purposes and frameworks are similar.

Figure 1 presents patterns more precisely than we might infer from NAEP or TIMSS alone. For example, we know from the 2007 NAEP math report that Massachusetts and Minnesota are high-performing states, that South Carolina and Missouri perform around the national average, that Mississippi and Alabama are low-performing states, and that the District of Columbia is the lowest-performing "state" in the nation. The 2007 TIMSS ranks countries, ranging from the highest-performing,

including Chinese Taipei (Taiwan) and the Republic of Korea, through the middle ranks, including the United States, and going down to the lowest-performing countries, including Turkey (the lowest shown in Figure 1), Syria, Egypt, Algeria, and Colombia.

By combining these two sets of results, we know that even the best-performing American states do not score nearly as high as Chinese Taipei or Korea, that the average-performing American states are about on par with England, the Russian Federation, and Lithuania, and that the District of Columbia's performance is more comparable to those of Thailand and Turkey.

While the Phillips method creates this interwoven list at minimal cost

(because he is *estimating* state scores from already extant data), obtaining *actual* state-level scores is very expensive. How much a more precise list would be worth is an issue that states must consider.

Generating Policy Advice

Figure 1 reflects the “how are we doing” aspect of benchmarking. But what policy advice can be garnered from these international studies? The quick answer is not as much as many would have you believe. This is particularly true of PISA, which is very aggressive in drawing policy implications out of the data. Reflecting the mission of the OECD, which combines both statistical and policy functions, the very organizational structure of PISA combines the collecting and release of statistical data with policy advice in a single unit. In contrast, in the United States, strict Office of Management and Budget guidelines separate the release of federal statistical reports by time and place from any policy statements.

The pressure from policy-makers for advice based on PISA interacts with this unhealthy mix of policy and technical people. The technical experts make sure that the appropriate caveats are noted, but the warnings are all too often ignored by the needs of the policy arm of PISA. As a result, PISA reports often list the known problems with the data, but then the policy advice flows as though those problems didn’t exist. Consequently, some have argued that PISA has become a vehicle for policy advocacy in which advice is built on flimsy data and flawed analysis. Much of the critical work has come

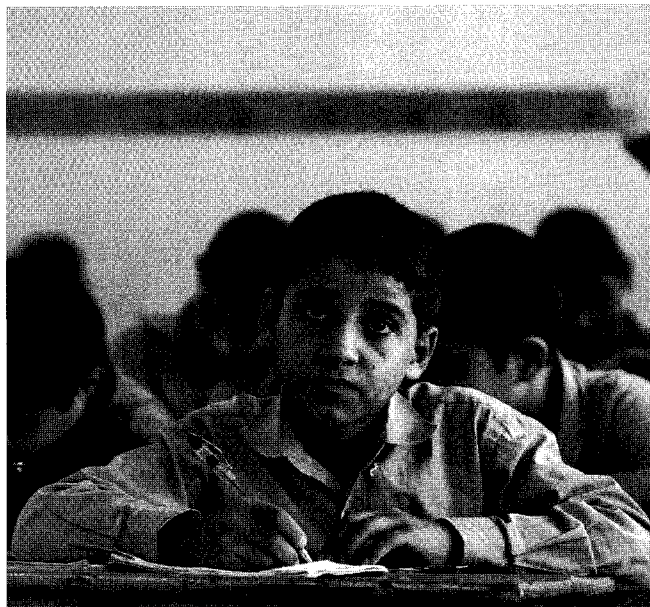
from Germany, where PISA has had a profound effect. There has also been debate in Finland, in part because students do well in PISA but did relatively poorly on TIMSS on 1999.

Among the limitations are the fact that both PISA and TIMSS produce

the factors associated with such changes. But too often, countries and education ministers demand information and don’t want to know how cross-sectional data using flawed measures can lead to bad advice or advice that seems “right” but has little or no basis in fact.

To be sure, international data can in some cases be useful for addressing some policy questions, and often these data are the only way to examine the consequences of differences in policy that vary across countries. But the obstacles to drawing strong causal inferences based on such data are substantial. While both the International Association for the Evaluation of Educational Achievement (IEA) and the OECD work hard to make sure that measures are comparable, there are large variations in how people in different countries understand similar questions, and how statistical agencies measure and report indicators. This is especially true for the United States, where, as a federal system of continental size in which education is still predominantly a state and local function, variance is often more important than the mean national value calculated by many international studies. Unfortunately, both TIMSS and PISA data are used, too often with little regard for their limitations, to formulate policy recommendations.

It should be noted that NAEP has taken a different approach to releasing its results, one that PISA has rejected. While early NAEP reports resembled the current voluminous PISA reports, over time, the Nation’s Report Cards have become shorter and more tightly focused on data that show cross-sectional results by state



Standards of evidence and the research practices that are found in PISA's analysis would not pass muster in the equivalent statistical agencies and among most researchers in the United States.

cross-sectional (single point in time) data and therefore do not allow longitudinal analysis (comparisons over time) at the student level, which is how researchers prefer to measure growth in student achievement and to identify

check the facts

PISA SCHNEIDER

and by reporting categories called for in U.S. legislation (for example, race or ethnicity and income). NAEP reports also compare the performance of students at the same grade level over time; these comparisons have become a critical tool for measuring the nation's progress. In short, these are highly focused and valuable benchmarking reports. Further, a typical NAEP release is far more accessible to policymakers, reporters, and the general public than PISA reports are. And NAEP reports do not contain policy implications or recommendations: the dividing line between statistical reporting and policy prescription is honored.

Within guidelines designed to protect confidentiality, data from all three assessments are made widely available both online and through other avenues of dissemination, allowing researchers to explore statistical patterns and the policy implications of the data. However, with PISA, the OECD megaphone attracts the attention of policymakers and drowns out alternate interpretations.

Accountability Problem

OECD is a high-level intergovernmental organization with wide sweep across many domains, including finance, trade, environment, agriculture, technology, and taxation as well as education. Its pronouncements have a gravitas that cannot be matched by the IEA. Just as OECD does not have a modest presence in describing the scope of PISA, its voice in pushing the policy lessons that can be "learned" from PISA has been equally loud. But that loud voice has a few cracks in it.

For example, consider Chapter 5 of the 2006 PISA report, "Science Competencies for Tomorrow's World," which is devoted to analyzing the effects of school resources on student performance. Clearly, the stakes are high in identifying the best ways to allocate money, teachers, school leadership, and

the like. Box 5.1 on page 215 notes all the appropriate caveats: PISA is cross-sectional; some things are not measured well; and other important factors are unmeasured. Moreover, it notes that the school characteristics measured are from the student's current school, and in many countries a 15-year-old might have been in that school for only a year or two. The report warns that "these restrictions limit the ability of PISA to provide direct statistical estimates of the effects of school resources on educational outcomes."

Nonetheless, the chapter proceeds with dozens of charts and tables relating different school resources to student outcomes. Finally, the chapter ends with "policy implications," even though the foundations for these implications are weak. For example, the report reads, "what is noticeable about the strongest effects measured in this chapter is that they are not the ones most closely associated with finite material resources, such as the distribution of good teachers. Rather, such effects are related to how schools and the school system are run—for example, the amount of time that students spend in class and the extent to which schools are accountable for results."

This is powerful stuff: hold schools accountable, and other issues (such as the allocation of good teachers) don't matter. What is the evidence for PISA's confident endorsement of accountability?

On close examination, "accountability" turns out to mean merely the public posting of school-level results. No other measures of accountability were tied to PISA scores at a level of statistical significance once students' socioeconomic status was introduced. But the report uses the highly evocative word "accountable" rather than "posting." The reader can easily have the mistaken impression that a broad set of conditions has been found to be important.

Standards of evidence and the research practices that are found in this analysis would not pass muster in the

equivalent statistical agencies and among most researchers in the United States. Indeed, the National Center for Education Statistics (NCES) frequently objects to many of the findings in PISA reports, but is almost as often politely (and sometimes not politely) ignored.

Questions Remain

Despite these limits, the chorus for state-level assessments will continue to grow louder. But how would state-level international assessments fit into the already complex world of large-scale assessments? In the 2006 PISA assessment, the U.S. barely made the minimal school participation rate to be included in the analysis. If governors and chief state school officers are behind a state administration of PISA or TIMSS, getting school participation may be easier, but student engagement in low-stakes tests declines as students get older—likely a situation that even gubernatorial exhortations cannot resolve.

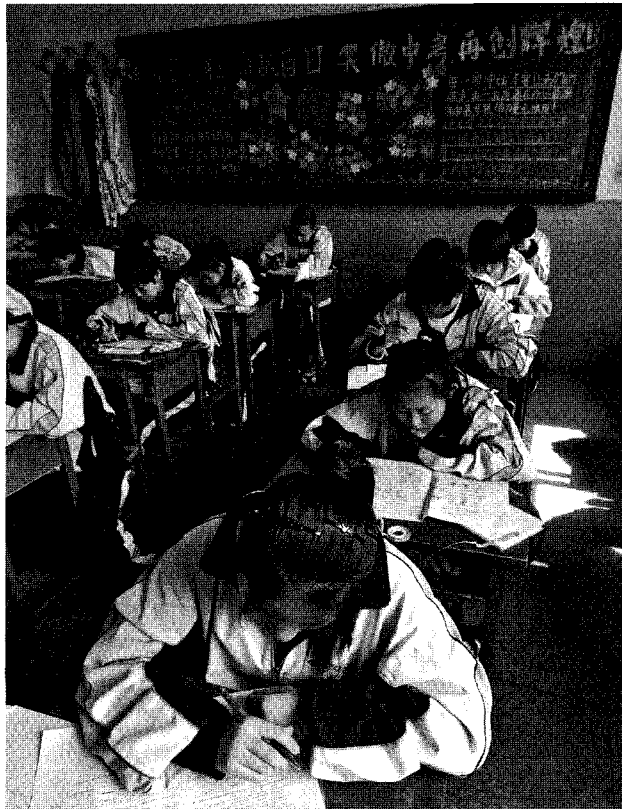
If it is true that what gets tested gets taught, are governors and chief state school officers really willing to allow OECD or IEA to drive their curricula? In the rush to employ rigorous international standards, we need to keep in mind that TIMSS and PISA each embody particular views about what those standards should be.

Can PISA really inform a state's policymakers about how to improve their school system? PISA assesses mathematical and science "literacy," a broad domain encompassing skills and knowledge learned both inside and outside of school. PISA 2006 cautions, "If a country's scale scores in reading, scientific or mathematical literacy are significantly higher than those in another country, it cannot automatically be inferred that the schools or particular parts of the education system in the first country are more effective than those in the second. However, one can legitimately conclude that the cumulative impact of learning experiences in the

first country, starting in early childhood and up to the age of 15 and embracing experiences both in school and at home, have resulted in higher outcomes in the literacy domains that PISA measures.” In other words, PISA itself admits that it cannot reliably identify which parts of the education pipeline are working well and which need improvement.

How expensive are these tests, and are there less costly ways to get these or similar data? To get a state-level score, about 1,500 students in the state need to be tested. The cost to test that number of students is around \$700,000 for PISA and, based on the experience of Massachusetts, approximately \$500,000 per grade for TIMSS. Nationwide, that’s around \$25 million per PISA assessment and \$15 million per grade in TIMSS if all states participated. There are less expensive alternatives, such as the TIMSS estimates for the states generated by Gary Phillips and noted earlier. While the alternatives would not produce all the details that might come from the full assessment (and mercifully avoid the temptation to use these data for unwarranted policy analysis), they could produce reliable estimates of state performance relative to international performance. Phillips has recently worked out the technical details for obtaining international benchmarks with PISA, by embedding PISA items within the state assessment. The PISA items on the state assessment are then used to link the state assessment to the PISA scale. Once this is done, the state can benchmark its performance against PISA without having students take the entire PISA assessment.

An alternative to statistical linking for PISA would be “small area estimation.” These estimates are model-based and “borrow” information from other



PISA admits it cannot reliably identify which parts of the education pipeline are working well and which need improvement.

data available for the state together with any state-level PISA data collected. The results are known as “indirect” projections to distinguish them from standard or “direct” estimates. NCES produced such state and country estimates of adults with low literacy based on the National Assessment of Adult Literacy (NAAL), for example. Further research would be needed to determine the feasibility of conducting small area estimates to generate state-level PISA scores. And it is likely that the PISA sample would have to be

increased somewhat. This would add costs, but far less than full state-level assessments.

Double-Edged Sword

Compared to students in most other OECD countries, American students do not perform well on PISA. In the aftermath of the dismal results from the 2006 PISA, the clamor for producing state-level PISA scores was thunderous. State interest in administering PISA has since receded, with the current financial crisis and the fading of the fanfare surrounding PISA 2006, but the economy will eventually turn around, PISA 2009 is in the offing, and the Obama administration and many governors are sympathetic to the idea of international benchmarking.

While TIMSS has its partisans and states have chosen to participate in past years, momentum is behind PISA. If more states do choose to participate in PISA, what should they expect? First, they would get a PISA score that would allow them to compare themselves to other PISA participants. In some cases, this would provide bragging rights (“Our students are better than those in Turkey”). In most states, disappointing results would provide

reform-minded governors with ammunition to push for their own legislative agenda. But if states choose a full state assessment, along with the PISA scale score would come all of the OECD’s policy advice and its approach to standards, which might make it harder for reform-minded governors to choose the options they prefer. *Caveat emptor.*

Mark Schneider is a vice president at American Institutes for Research and former commissioner of the National Center for Education Statistics.

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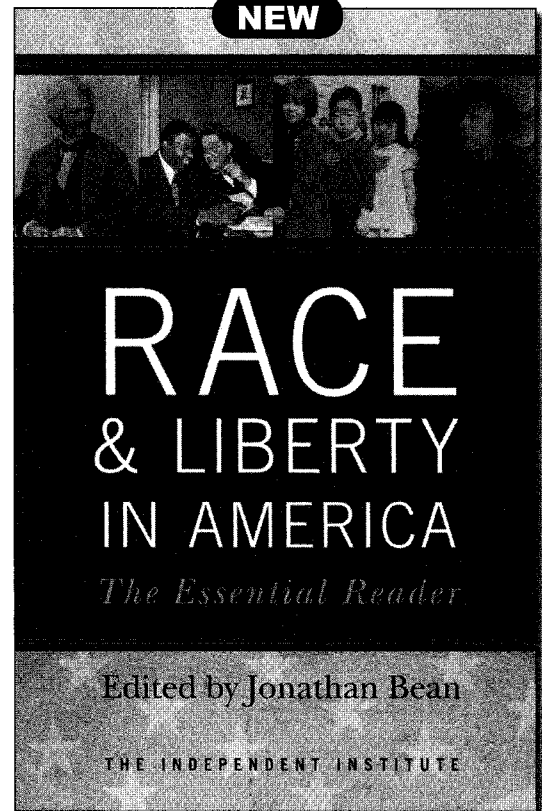
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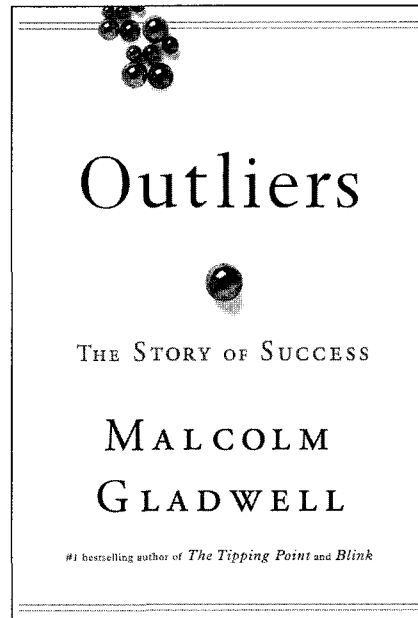
By Malcolm Gladwell

Little, Brown, and Company, 2008,
\$27.99; 309 pages.

As reviewed by Nathan Glazer

Malcolm Gladwell, a writer for the *New Yorker*, has become wildly successful mining the findings of social scientists to support ideas or hypotheses that it turns out have been of interest to great numbers of readers. The hypotheses may not be very original or earth-shaking to social scientists themselves—for example, that one can find circumstances in which some phenomenon that has plugged along suddenly undergoes a rapid change (*The Tipping Point*), or that an idea or plan that comes in a flash may be as good as something developed with a great deal of research and much thought (*Blink*), or that success may be based more on special opportunities and hard work than on native gifts (the current *Outliers*). No matter: *The Tipping Point*, as I write, has been on the *New York Times* nonfiction best-seller list for 230 weeks, *Blink* for 72 weeks, and *Outliers* high on the new nonfiction list for 15 weeks. And Gladwell has become an enormously successful and well-paid speaker to business groups.

His current book is of particular interest to educators because, as its subtitle tells us, it is “The Story of Success,” and much of it deals with success in education. It fits well with the current widely accepted dogma that “all children can learn,” because it downgrades the role of high native intelligence as indicated by IQ tests, and is optimistic that we can close current gaps in achievement by class and ethnic group by properly applying research on what leads to



educational success. So it takes on both native gifts and unmodifiable cultural background as explanations of differential educational achievement and the kinds of success in life that higher education makes possible.

Gladwell is a wonderful storyteller and he cannot resist telling a good story, even if it is only marginally related to his central thesis. So he begins *Outliers* with the story of the town of Roseto in Pennsylvania, settled by immigrants from the town of the same name in Italy and still peopled by them and their descendants. Roseto has remarkably low rates of heart disease and has been studied by a physician and medical scientist, Stewart Wolf, and a sociologist, John Bruhn, who concluded that neither diet nor exercise nor genes nor location explains this anomaly: it was a family- and church-based lifestyle, “culture,” we might say. The connection to success? Well, it is certainly success in living, if not in education and occupation and profession. There is no indication

that Rosetans do well by these measures, and their deep attachment to family and native place suggest otherwise. But “cultural legacy,” as Gladwell puts it, does come up again in the book and becomes one of the factors that do explain success in the wider world.

Consider a KIPP (Knowledge Is Power Program) school in the Bronx. The children come from circumstances that lead regularly to academic failure and dropping out, but in this school they do very well indeed. By the end of 8th grade, 84 percent of the students perform at or above grade level, compared to a figure for the district schools in the area of 16 percent. “KIPP is...an organization that has succeeded by taking the idea of cultural legacies seriously.”

Huh? What can he possibly mean, one asks, since this is a school of black and Hispanic children, whose “cultural legacies” have not ordinarily been thought of as education-enhancing? It is a complex connection. The story of KIPP follows a fascinating chapter on the culture of the rice paddies of southern China. Rice, contrasted with wheat, for example, demands very hard and steady work almost year-round. This has influenced, we are left to conclude, the educational culture in rice-growing societies. While the U. S. school year comprises about 180 days, South Korea’s has 220 days, Japan’s 243. And while there is no indication that the founders of KIPP knew anything about this, they too believe that steady and very hard work will bring success. So they run Saturday and summer classes, and a long school day, which means the KIPP children spend 50 or 60 percent more time in school than the typical public-school student in this country. It shows. But this use of “cultural heritage” as an explanation is a stretch.

A rigorous or systematic reader may find many a hole in the chains whereby Gladwell makes his case, but the stories along the way are wonderful. Along with gaining insight into the hard work of the rice paddy, we learn there is something special about the Chinese number system: first, each word for a number is very short, and it seems memory of numbers—from research Gladwell reports—is affected by the length of time it actually takes to sound out the number. In addition, the Chinese number system is very regular: there are no illogical jumps, as English has in its second decile, from twelve (for 12) to thirteen (for 13). Chinese numbers are a direct copy of the numerical system. I never knew those facts and find them intriguing; and indeed they may play a role, along with the long school days, in the superiority in mathematics of East Asian schoolchildren. But then one thinks, don't all the Chinese kids in Stuyvesant High School in New York City use English in doing their mathematics?

Gladwell's account of why a Korean airline had a series of horrendous crashes and how it overcame them is the longest in the book. It seems in Korean culture it wouldn't do to interrupt a superior, and Korean pilots had to be taught to do this to prevent the captain from ignoring a danger that was obvious to an underling. The incentive to change was enormous: the airline would have failed if it hadn't better managed to prevent disastrous accidents. Presumably, we are to conclude that other deep-lying cultures can also be changed. But this coheres uneasily with his main thesis.

In fact, Gladwell is riding two horses when it comes to the story of success. One emphasizes accident—for example, that Bill Gates had access to a computer

in 1968 when there were few around and to another more advanced one at the University of Washington when it was not easy to spend endless time free on a computer, and this helped make him what he became. But the other horse is culture, even though Gladwell seems to argue that its effects, when they contradict success, can be changed. So the story of a group of very successful Jewish lawyers in New York not only points to the period when they were born, a time of low birth rates, which meant that the New York City public schools they attended were uncrowded and gave a good education,

but also to a Jewish propensity to seek out and seize opportunity.

And his own success? Gladwell ends with the story of his Jamaican grandparents, who were school teachers and whose daughter managed to get to England for an education, where she met and married an English mathematician, whose son is Malcolm Gladwell. Heritage, opportunity, accident, maybe genes after all? He leaves it to the reader to sort out.

Nathan Glazer is professor emeritus of education and sociology at Harvard University.

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No Easy Answers

Untangling race and education

Race and Education, 1954-2007

By Raymond Wolters

University of Missouri Press, 2008,
\$44.95; 313 pages.

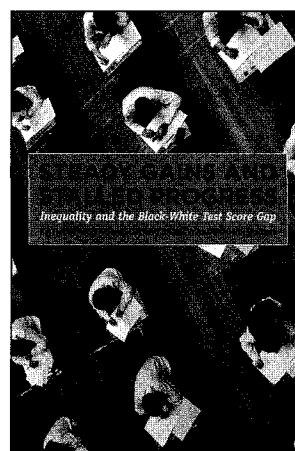
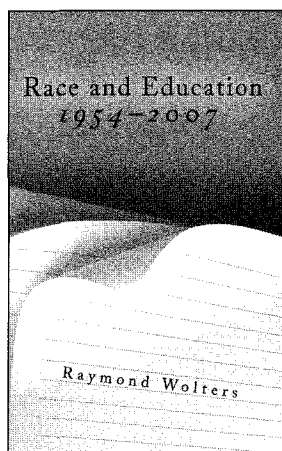
Steady Gains and Stalled Progress: Inequality and the Black-White Test Score Gap

Katherine Magnuson and
Jane Waldfogel (editors)

Russell Sage Foundation, 2008,
\$42.50; 355 pages.

As reviewed by Gareth Davies

Each of these books attempts to characterize the educational impact of the civil rights movement. Wolters is a historian at the University of Delaware who has written widely on 20th-century race relations in the United States. Magnuson and Waldfogel are professors of social work, at Wisconsin and Columbia respectively, and their 16 co-contributors to *Steady Gains and Stalled Progress* are all social scientists as well. That disciplinary divide results in some marked differences in approach. Wolters constructs a largely chronological history since the first half century of the 1954 *Brown* decision, and his case studies of desegregation-in-action are drawn from contemporary news coverage and subsequent historical, legal, and political science scholarship. How, he asks, did judges come to embrace highly ambitious goals of school integration, having initially believed that the Constitution forbade official discrimination but did not require actual mixing of the races? What have been the consequences of that shift for American race relations? And what have been the consequences for schools, and for learning outcomes?



Contributors to the Magnuson and Waldfogel collection are interested only in the third of those questions, with specific reference to the test-score gap between African American and white children. Seeking to isolate the multiple factors that combine to determine educational outcomes, the social scientists mine the mother lode of educational research in the United States: the National Assessment of Educational Progress (NAEP). Between 1971 and 1988, according to NAEP data, the reading gap between white and black 12th graders declined from 52 points to 20 (the gap also diminished for 4th and 8th graders, albeit not quite so sharply). By 2004, though, it had widened again, to 29 points, meaning that African American 12th graders were reading at about the same level as white 8th graders. The curve for math is flatter, but follows the same basic trajectory.

Both of these books make for uncomfortable reading. The essays in *Steady Gains and Stalled Progress* frequently bring to mind the 1966 Coleman Report, which found, to the great surprise of the author and others, that none of the obvious aspects of educational inequality (class size, teacher

experience and pay, age of buildings, library and laboratory facilities) seemed to explain the black-white gap in schooling outcomes. Four decades on, one senses the determination of Magnuson, Waldfogel, and their colleagues to avoid a similar finding. Time and again, however, these scrupulous researchers are forced to conclude that the evidence is mixed or

unclear. Just occasionally are they less equivocal, as when they observe that aggressive integration policies helped black children during the 1970s, that mounting socioeconomic inequality after the late 1980s contributed to the subsequent widening in the test-score gap, and that inequality in the preschool environment plays an important role in determining later educational outcomes. When encountering these passages in *Steady Gains and Stalled Progress*, one grasps for them, welcoming the momentary clarity of the findings and the possibility that they might be usable by policymakers. Yet the sense of relief does not last, for these islands of clarity are invariably surrounded by a broad sea of circumspection and equivocation that leave one adrift, wondering just how reliable they and similar assertions are, and just how policymakers might go about using this book to improve educational outcomes for minority children. One is left wondering whether educational research is intrinsically doomed to provide the classic illustration of Rossi's Law: "the expected value for any measured effect of a social program is zero."

Wolters's book is discomfiting for a different reason. He considers it likely that there are hereditary differences in intelligence between blacks and whites, argues that human beings are intrinsically and elementally race conscious and race proud, and concludes that social engineering efforts to force the races together are doomed to have profoundly unhappy consequences. For all this, Wolters does not hanker after Jim Crow: he considers legally enforced segregation to have been wrong, and—shades of Abraham Lincoln here?—he believes that blacks as individuals deserve an equal opportunity to go so far as their talents will carry them. In order to distance himself from charges of racism, he argues that many of his views about race mixing were common among African American intellectuals in the past, not least W. E. B. Du Bois (whose career and ideas were the subject of his previous book).

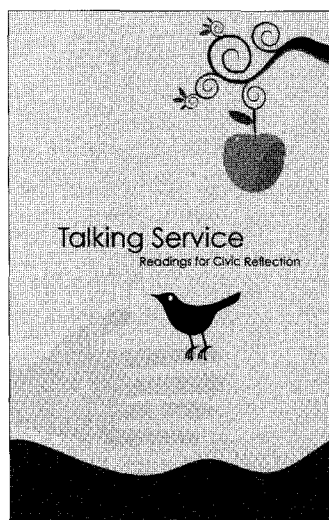
Race and Education takes a close look at the five jurisdictions that were directly at issue in *Brown* and its companion case, *Bolling v. Sharpe*: Topeka, Kansas; the District of Columbia; Wilmington, Delaware; Prince Edward County, Virginia; and Clarendon County, South Carolina. Because these locales are so very different from one another, they give one a potentially rich opportunity to probe the determinants of success or failure: what difference did it make whether desegregation was being attempted in a depressed agricultural region with a black majority, a northern industrial city with a medium-sized black population, or a plains community with comparatively few African Americans? Wolters finds that wherever integration was attempted, the result was disastrous to the education system, to both races, and to race relations.

Yet this is surely not the whole picture. To return to Magnuson and Waldfogel, if desegregation was such an educational failure, why did the test-score gap diminish so markedly during the 1970s and early 1980s? Whether or not desegregation contributed to that outcome (the evidence is inconclusive), it does not seem to have done any harm. Wolters seems unable to assimilate any evidence that might suggest a more positive assessment, while grasping at whatever anecdotal evidence or source best substantiates his tale of woe. Whereas contributors to

Steady Gains and Stalled Progress extrapolate agonizingly tentative findings from rigorous reading of the available statistical evidence, Wolters derives sweeping conclusions from a strikingly limited empirical foundation. In each case, the approach is likely to prevent the volume from having a very substantial impact.

Gareth Davies is a historian at St. Anne's College, Oxford University, and author of *See Government Grow: Education Politics from Johnson to Reagan* (University Press of Kansas, 2007).

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BOOK ALERT

Alternative Routes to Teaching: Mapping the New Landscape of Teacher Education. Pam Grossman and Susanna Loeb, eds. (Harvard Education Press, 2008).

The very publication of this edited volume—from the Harvard Education Press, no less—confirms that alternative certification has gone mainstream. According to Grossman and Loeb, the number of teachers coming through nontraditional routes increased 10-fold from 1995 to 2005, to nearly 60,000. Yet, the editors explain, “Despite the pervasiveness of alternative routes, most researchers now agree that the label of

‘alternative’ says little about how teachers are actually recruited and compared.” Indeed, the great variation within this growing niche of the teacher preparation world makes it all but impossible to study. This book is a

fair attempt. Particularly helpful is a chapter by Loeb and Marsha Ing that reviews the research literature on alternative certification, such as it exists. (The bottom line: a highly selective program such as Teach For America is particularly useful in recruiting top-notch talent into high schools, though elementary school teachers might benefit from more pedagogical training than these fast-entry initiatives can provide.) Loeb and Grossman conclude the book by proposing a reasonable typology that could be used to better study these programs. And, as appears mandatory for any volume like this, the editors wrap up with a call for more research and experimentation. But in this field at least, that’s a call well worth heeding.

When Mayors Take Charge: School Governance in the City. Joseph P. Viteritti, ed. (Brookings Institution Press, 2009).

When the New York state legislature gave control of the New York City schools to the mayor in 2002, a sunset provision was included, with a deadline of June 2009.

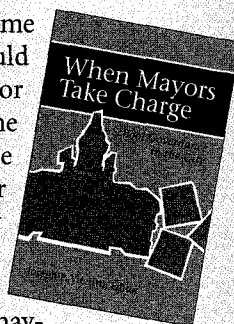
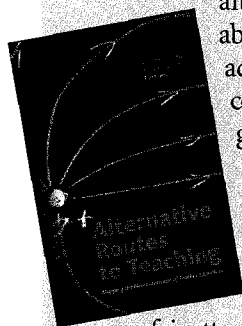
To prepare for the time when the law would be either renewed or allowed to expire, the legislature asked the public advocate for the City of New York to appoint a commission to study the issue of may-

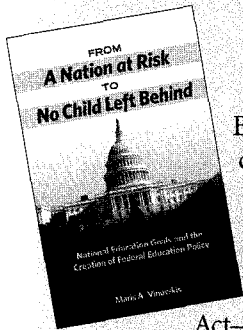
oral control and make recommendations to the legislature. Joseph Viteritti, a self-proclaimed “early and consistent proponent” of mayoral control, was named executive director of the Commission on School Governance, and in that capacity he solicited and edited the papers for this volume. The book includes general overviews of mayoral control; case studies of mayoral control in Boston, Chicago, and Detroit; and chapters looking at school governance, past and present, in New York City. Readers who are searching for a quick answer to the question of whether mayoral control improves student performance will likely be frustrated. Mayoral control can create greater capacity for change in a school system that has resisted innovation. But what happens next will of course depend on the mayor (as well as many things beyond the mayor’s control). The Commission on School Governance solicited these papers from experts in an attempt to separate

the assessment of the governance arrangement from the assessment of the Bloomberg administration. But when New Yorkers debated whether to extend mayoral control in spring 2009, most people’s assessment of mayoral control reflected their assessment of Mayor Bloomberg. As for the Commission on School Governance, it released its own report to the legislature in September 2008, long before this book was published (though presumably informed by earlier drafts of these papers), urging that mayoral control be maintained but that the power of the mayor be checked and that the public be given meaningful opportunities to offer input into policy decisions.

From A Nation at Risk to No Child Left Behind: National Education Goals and the Creation of Federal Education Policy. Maris A. Vinovskis (Teachers College Press, 2009).

The University of Michigan’s Maris Vinovskis is undoubtedly the most diligent, thorough, and prolific historian of education goings-on in Washington over the past quarter century, particularly when it comes to standards, assessments, and compensatory programs. He is deeply knowledgeable, incredibly industrious, and skilled at recounting complex sequences with lots of telling detail. He’s less adept at summarizing, synthesizing, and generalizing, which limits his readership. His latest volume offers readers a peerless reconstruction of the sausage factory of federal education policy between 1983 and 2008, with emphasis on the setting of national education goals by Bush I and the governors in Charlottesville in 1989, and subsequent efforts by Bill Clinton and both

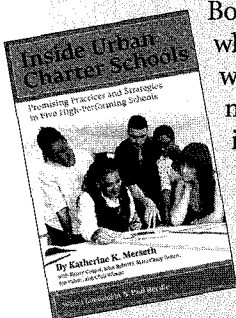




Bushes to develop policies and programs—especially successive iterations of the Elementary and Secondary Education Act—that would bring the country closer to attaining those goals. There's probably more here than you want or need to know. Yet you are surely grateful that Vinovskis has recounted it in such meticulous and fair-minded fashion.

Inside Urban Charter Schools: Promising Practices and Strategies in Five High-Performing Schools. Katherine K. Merseth and coauthors (Harvard Education Press, 2009).

With 4,000 diverse charter schools scattered across the land, and with critics, opponents, and analysts leveling forests to publish criticisms of charter schooling, it's refreshing and heartening to find a thoughtful analysis of successful charters. The Harvard ed school's Kay Merseth, with a platoon of research helpers and fueled by a federal research grant, examined five high-performing (urban) charters in the

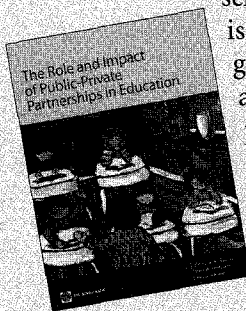


Boston metro area to see what makes them tick, and what they have in common. The resulting book is first-rate: five insightful case studies of individual schools followed by analytic chapters on "cross-school themes." Perhaps unsurprisingly, these themes include school culture, leadership, personnel, "structures and systems," and curriculum and instruction. It's no cookbook or instruction manual; it doesn't tell you how to create a successful charter from

scratch, much less how to turn around those that are lacking. But it lucidly describes, depicts, and explains the crucial elements that these five schools have put into place that very likely account for their success.

The Role and Impact of Public-Private Partnerships in Education. Harry Anthony Patrinos, Felipe Barrera-Osorio, and Juliana Guaqueta (World Bank Publications, 2009).

This slender volume provides an invaluable overview of the role that private ventures can play in K–12 schooling. The topic is especially timely given that, as the authors note, the percentage of students in private schools worldwide has doubled from 5 to 10 percent since 1991,

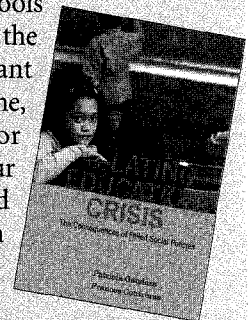


according to UNESCO. Patrinos and his coauthors explain the array of possible arrangements and survey the international experience and research findings to provide clear guidance to policymakers. The best-known form of public-private partnership in schooling is a voucher plan that includes private schools. But the authors flag the many different roles that private providers play around the world when it comes to professional services (think teacher training or textbook delivery), support services (think meals and transportation), school management, and facilities. Examples illustrate how public agencies in various nations, from New Zealand to Pakistan, arrange for private operators to handle services. Patrinos and his colleagues argue that partnerships can deliver competition,

flexibility, and risk sharing, and that sensible attention to arrangements can minimize potential downsides. In particular, they emphasize the importance of transparent and competitive processes for selecting private partners, the need for public agencies to separate the roles of purchasing and service provision, and the importance of sensible performance metrics and outcome goals. All in all, a useful primer for reformers and policymakers.

The Latino Education Crisis: The Consequences of Failed Social Policies. Patricia Gándara and Frances Contreras (Harvard University Press, 2009).

Are our schools serving Latinos, the largest immigrant group of our time, as well as—or better than—our schools served immigrants in the past? Or are they suffering systematic discrimination and deprivation that will doom them to marginal status for generations? Is it better to be quickly immersed in the language of the host country or to be taught in one's native tongue? Little is known about such matters. Gándara and Contreras do a better job of delineating the knowledge gap than filling it. For example, not much attention is given to the desperate state of the Mexican education system that has helped prompt the emigration across our borders. If the authors are quite objective in their summary of existing research, they, as their title suggests, do a better job at assigning blame than identifying anything other than standard remedies.



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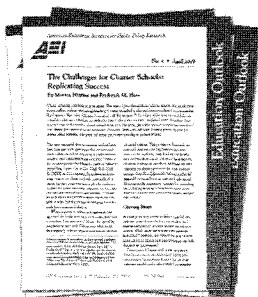
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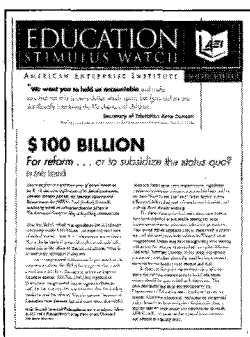
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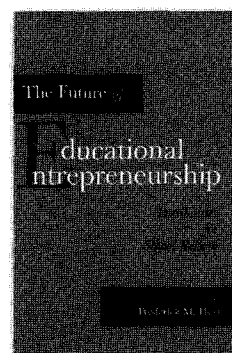


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POSSIBILITIES FOR SCHOOL REFORM

Harvard Education Press, 2008

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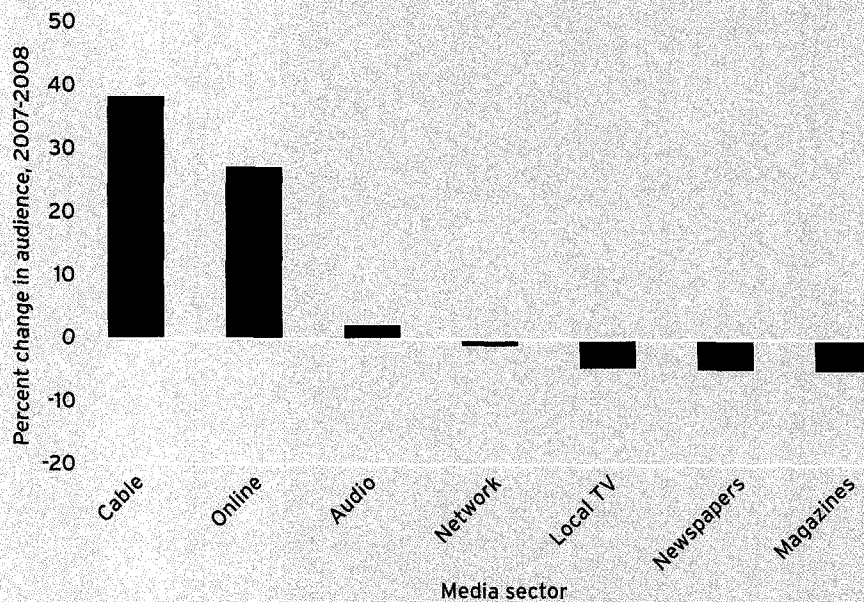
Disappearing Ink

What happens when the education reporter goes away?

BY MICHAEL J. PETRILLI

Mass Media Migration (Figure 1)

Audiences for traditional news outlets continued to shrink in 2008, as viewers flocked to cable news and online outlets.



SOURCE: "The State of the News Media," Pew Project for Excellence in Journalism, 2009

will retreat to ideological safe havens—cable TV channels, Internet sites, and blogs that conform to their strongly held views—which will lead to even greater divisiveness in our politics and culture (see Figure 1).

Are these concerns valid when it comes to coverage of education? To find out, I interviewed some of the smartest minds in education journalism, including Richard Lee Colvin of the Hechinger Institute; Richard Whitmire, president of the National Education Writers Association (EWA); Jim Bencivenga, formerly the education editor of the *Christian Science Monitor*; Virginia Edwards, the publisher of *Education Week*; and Elizabeth Green, an editor of the online upstart *GothamSchools*.

They all agree that the demise of the daily newspaper is bad for the local "conversation" around education. And even if papers survive, already the education beat is being squeezed. Those reporters who remain on the job (see Figure 2) are asked to cover higher education as well as K–12 schools, mean-

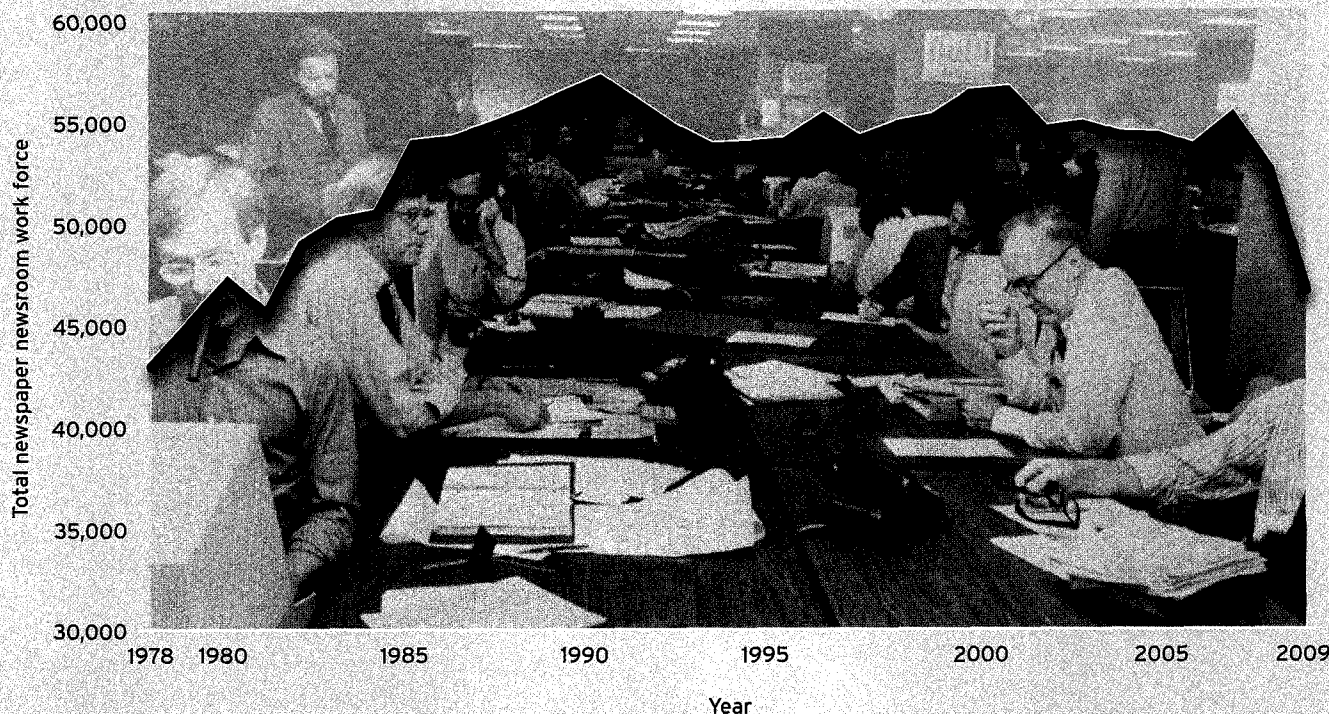
If you haven't heard the news that the newspaper industry is dying, you must not be reading the newspaper anymore. Which is entirely possible. According to the Pew Research Center, newspaper readership fell 5 percent in just the past year, and advertising revenues are down 23 percent over the past two years. The third quarter of 2008 saw the worst decline in print ad revenue in nearly 40 years, reports the Newspaper Association of America. Several major chains are in bankruptcy, and a few big papers have disappeared entirely. With the economy in deep recession, the situation only looks to grow worse. This is a topic that excites editorialists, who are, of course, members of the journalism profession themselves. Many bemoan the demise of the daily newspaper, arguing that it signals the end to the educated citizen. Others worry that Americans

ing they have less time to develop expertise in specific areas. They are pushed to write shorter articles, leaving little space for in-depth reporting. And editors want stories that are hyperlocal, at the school level, not missives about the latest school board policies, or dry accounts of state regulatory actions.

As a result, says Whitmire, decisions go unchallenged. "What is lost is that the superintendent will bring in a new program, and nobody will be there to explain to the community whether similar programs have worked or failed in other places." Colvin goes even further: "We hear from superintendents that the coverage is worse than ever." All the reporters seem to want is a "couple of quotes" for a "sensationalist" story. So when it's time for leaders to make the case for, say, budget increases, they have no credible vehicle through which to

No News Is No News (Figure 2)

Two years of job losses have brought newsroom employment down to levels not seen since the early 1980s.



SOURCE: Newsroom Employment Census, 1978-2009, American Society of News Editors

ILLUSTRATED CHART / BRUCE SANDERS DESIGN, AP IMAGES

explain their rationale to the broader public, beyond their own communication outlets, and no independent third party to present opposing views in a fair manner.

"The people who will be excluded from the conversation will be people without kids in the schools," explains Ben-civenga. Those with a vested interest—the teachers unions, real-tors—will continue to get their message out. But there will be no one to counter these self-serving opinions. As Edwards argues, "An ill-informed public will benefit people who can push an agenda without accountability and public scrutiny."

The national scene is unlikely to look so bleak, argue the experts. In part that's because everyone expects a few of the great national papers to survive. But it's also because of the well-developed community of think tanks, blogs, and trade publications that follow the education issue, and aren't disappearing anytime soon. "National will always be the easiest to do," says Whitmire.

But even at that level, there are signs of trouble. Right now a CEO or university president might skim an education editorial or op-ed while flipping through the *Wall Street Journal* or *New York Times*. But imagine if such elites stop getting newspapers and only read articles online that are of immediate

interest. The larger public that engages in the K-12 education debate could shrink dramatically, to just partisans engaged in the war of ideas around schooling.

Still, nobody expects high-quality education journalism to disappear without a fight. Already new models are starting to emerge. One of the most talked about is Green's *Gotham-Schools*, an online site that follows New York City's education scene, and also covers national education happenings. An initiative of the nonprofit Open Planning Project, *GothamSchools* aims to be a "one stop shop in New York City for education news," according to Green. It covers education the way newspapers used to, with its two reporter/editors showing up at every meeting of the city council and the state assembly that touches on the public schools. But it also dives in to do more in-depth analyses and investigative pieces.

There are similar experiments up and running in Philadelphia, Cleveland, and Chicago. Plus a growing number of cities, such as Minneapolis and San Diego, are home to new online nonprofit newspapers that feature strong education reporting.

Meanwhile, the national players are tweaking their approach. Hechinger is going into the content-production

business, with a growing staff that will write original, long-form articles about key education trends. The EWA has a new “public editor,” former *Washington Post* reporter Linda Pearlstein, who helps cub education writers around the country hone their craft and offers high-level feedback to more-seasoned pros. And *Education Week* is contemplating how it might distribute its content to daily newspapers.

All of these “business models” have promise, but also big question marks. First, they depend on philanthropic support for start-up revenue; with the stock market, and thus endowments, down some 30 percent, it’s not known whether there will be enough grant dollars to go around. Even *Education Week*, which has attracted foundation support for years, only receives 25 percent of its revenues from such sources and must bring in the rest from subscriptions, advertising, and elsewhere. Second, it’s unclear whether any of these approaches are sustainable once the grant money inevitably runs out.

So should education reformers try hard to help solve these problems? Would the further diminishment of the newspaper be bad for the cause of change? That’s not quite clear, either. On the one hand, newspaper editorial pages have generally been

The powerful teachers unions will always find a way to get their message out to core audiences.

friendly to supporters of greater accountability, transparency, and parental choice. They have been particularly bullish on charter schools (“Opinion Leaders or Laggards?” *what next*, Summer 2008). And to be sure, the organized interests of the status quo—particularly the powerful teachers unions—will always find a way to get *their* message out to core audiences. They would only profit from a world without the fourth estate playing referee.

On the other hand, reporters have never been particularly astute at covering “change,” particularly the variety that causes pain for adults. In this way, the media have not been very friendly to reformers. Colvin puts it best: “Journalists never get out front of reform. They are always the trailing entity. Anyone whose ox is gored by reform is going to be outspoken and resist it. Journalists must understand that there’s always pain and disruption in great change. But they rarely frame it that way.”

Now that it’s the journalists who face pain and disruption, the question is whether they will get out in front of the changes happening in their own industry. No doubt you can follow this developing story in a local newspaper—if you still subscribe to one. ♦

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Reward Less, Get Less

Student performance gaps are easily explained

Flunked & Two Million Minutes

As reviewed by Mark Bauerlein

Last spring, in Fairburn, Georgia, officials in two schools piloted a startling attendance program. If struggling 8th and 11th graders showed up for study hall, they could earn \$8 an hour, and if their grades and test scores rose significantly, they would receive a bonus. An Associated Press story termed the policy a “bribe,” and a Georgia State University professor on National Public Radio declared it “morally bankrupt.” But Ben Chavis, then principal of American Indian Public Charter School in East Oakland, California, had started paying students for attendance years ago with steady results, doubling math scores in the school over time. “Poor people love money,” he explains, so why not let it motivate the kids? He even met with drug dealers off campus and offered them \$5 for every truant they brought back. The cash came from creative budgeting, for instance, no computers for the kids. (“They can’t read,” he declares, “they don’t need a computer!”)

Chavis is one of a handful of school mavericks profiled in *Flunked*, a 45-minute documentary narrated by actor Joe Mantegna. The film reviews 50 years of public school investment, from *Sputnik* to *No Child Left Behind*, and derives a simple lesson: the claim “more money makes more success” is a myth, “the tallest tale of them all.” In spite of massive investment and however you measure it, one commenter says, academic achievement “looks like somebody just died—it’s just a flat line.” Success lies not in raising dollars but in changing the organization.

The “all-stars” in *Flunked* illustrate how it can happen. They are “entrepreneurial principals,” headstrong heroes who rescue failing schools, run charters, tighten discipline, and lower dropout rates. Steve Barr runs Green Dot Public Schools in Los Angeles, which divides dysfunctional high schools into small charter schools. His first principle: get every dollar into classrooms. He pays teachers well and grants them wide latitude in the classroom in exchange for a “dismissal-for-cause” condition in their contracts. Howard Lappin, who took on a high school in L.A.—“1,600 kids, out-of-control school, violent, terrible test scores”—recites his message for kids: “if you’re not in class you’re in trouble—your parents are gonna be in—we’re gonna talk to you—you’re not gonna be here—you got to do what you got to do because this is a school—this is not a playground.”

The ingredients are plain and they don’t include “Give us more money.”

- Provide strict discipline, longer hours, high expectations
- Give teachers high pay and discretion in the classroom, but hold them to professional standards
- Reduce bureaucracy

A sound approach for these schools, but on the evidence of another recent school documentary, the lessons of *Flunked* may not apply as we move up the U.S. public school ladder. *Two Million Minutes* profiles two high schoolers in Bangalore, India, two in Shanghai, China, and two in Carmel High School outside Indianapolis. Ranked in the top 5 percent of U.S. public schools, Carmel has loads of money and top-notch facilities. No need to fire any teachers or collar truants. But, as the film unfolds, a striking deficiency among the American students emerges, one that no in-school policy can address—the drive to compete with their peers.

“Competitiveness,” of course, has become a touchstone of education debate. Two years ago in the *Washington Post*, Bill Gates warned that unless Americans hit the workplace with math and science skills, they will sink in the knowledge economy and take their nation with them. But American students appear unaffected by what one commenter after another says in *Two Million Minutes*: We are in a global competition, and we’re losing. From 1985 to 2004, the proportion of bachelor’s degrees awarded in math or science in this country fell from 21.7 to 15.8 percent. Engineering went from 9.8 to 6.2 percent, and the numbers won’t improve soon. On the 2006 American Freshman Survey, only 0.8 percent of entering college students intended to major in math, 0.5 percent in physics. These fields are a micro-niche.

For Asian students, though, math and science degrees are the way to prosperity. These students live with “economic uncertainty,” the film explains, and view math and science study as a form of “economic opportunism,” a “passport out of poverty.” The girl from India wants to be rich, and she terms engineering the “safest” field. She attends a two-hour math tutorial that starts at 7:45 each Saturday morning, and after a break, three more hours of class follow. The boy from India aims to be a physicist (as are his father and sister), and he spends 12 hours a week in evening sessions preparing for the Indian Institute of Technology entrance exam. A half million take the test and only 5,000 win admission. The Chinese boy took his

first standardized test in 1st grade, and his regular school day lasts nine hours. He doesn't claim to be number one, but he loves to win and is, in fact, the top math student in his school. It's not all math and science. Though the Chinese girl wants a biology career, along with her full school schedule she studies ballet and violin.

And the suburban American kids? The boy is senior class president and a National Merit semifinalist, and the girl ranks in the top 3 percent of her class. He admits, though, "Occasionally, I do homework," and for a big class project due on Monday he starts preparing a day earlier. She claims to "set high expectations," but adds, "I'm not that 9-to-5 kind of girl." She favors medicine because "you get an awesome feeling, it's really a rewarding experience, I think, being able to, um, save lives." She's "well-rounded," which means doing homework with friends while watching *Grey's Anatomy*. He doesn't "ever want a cubicle," so he works 20 hours a week in a pasta joint and does graphics for the school paper.

Teachers reflect the same laxity. When handing out an exam, the Carmel teacher assures his students that on one question, "I will accept three of the four answers." In the Indian classroom, the teacher explains the steps in a calculation and

concludes, "Nobody should say 'I don't know how to find the tangent.'" When the students pause, she blurts out, "Why are you simply standing there?" Nobody chides the American kids like that.

The American boy wins early admission and a full ride to Purdue, while the American girl gets into Indiana University. They are accepted into top universities, so why work any harder? The policies advocated in *Flunked* are not the answer here. More money in the classroom and less bureaucracy in the schools will make no difference, nor will stricter discipline or higher expectations as long as the college acceptances come through.

Not one of the Asian kids gets into the first-choice college. That outcome explains the relative efforts, and it puts the American high performers in a dismaying light. Asian kids don't talk about their "awesome" feelings of helping people. They talk about how it feels to beat the kids sitting next to them. If the American boy and girl landed in an Asian classroom, they would sink to the bottom in a week. Call it classroom Darwinism with predictable results. It's a survival-of-the-smartest world, with few survivors.

Mark Bauerlein is professor of English at Emory University.

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Educating African American Boys

Our schools deserve an "F"

by KALEEM CAIRE

In 1989, my dream of attending college on a football and track scholarship was shattered when I graduated high school with a 1.56 GPA, a ranking of 413 out of 435 students in my senior class, an 820 on the SAT, a 19 on the ACT, a dismal attendance record, and absolutely no idea about what I wanted to do with my life. Two years later, on December 24, 1991, I was sitting behind bars in the prison at Norfolk Naval Station in Virginia, awaiting notice of the numerous charges being brought against me for an altercation I had with a naval officer.

Fortunately, after spending just a few days instead of a few years in lockup, I was exonerated. Two weeks later, I met my wife, Lisa, dedicated myself to reading two books a week to improve my speaking and writing skills, changed my peer group, and moved on with my life.

In 1993 I returned home to Madison, Wisconsin, from Hampton, Virginia, having spent three years in the U.S. Navy and one year attending Hampton University. I immediately went to my old neighborhood to check in with everyone, to see my guys and the girls on the block where I'd spent so much time as an adolescent. I was shocked and dismayed to find that so many of the young men I grew up with had succumbed to the crack cocaine trade and were either addicted to it or selling it, died or were killed for it, or were in jail because of it. Most of those still around were not in the labor force, were not attending any education or training program, and expressed little optimism about their future or their value to society.

I switched my academic major at the University of Wisconsin from pre-medicine and nutritional sciences to urban education and spent the next decade working with city youth. I soon became determined to expose how unproductive our education system was at graduating students and preparing them for college. I enlisted the support of a then up-and-coming researcher named Jay Greene to help me identify a reliable formula for calculating high school graduation rates and secured the support of the organization I was then presiding over to spend \$15,000 on a study.

At the time, I was concerned that "dropout" statistics were masking a much larger problem that many in government knew existed but weren't sharing: hundreds of thousands of black and brown students nationwide were not graduating



Very few black males are being prepared to assume leadership roles in business, government, and the community.

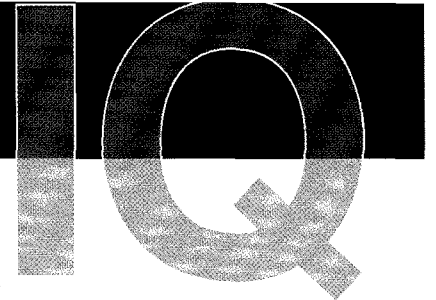
high school. That initial study and others that followed have stimulated national interest and growing financial investment in high school graduation and college-readiness initiatives. But the central problem that drove me down this road in the first place—the lack of educational and career success among young black and brown men—has garnered very little attention.

As we celebrate the election of our country's first black president, I can't help but ponder how very few black males are being prepared to successfully complete a college education and assume leadership roles in the fields of business, industry, government, family, and community. How will this brain drain affect the future of families and children in our country? How will this affect our economy and national interests? How many public and private prisons are we willing to pay \$38,000 annually per inmate to have black men imprint license plates and pick up debris on U.S. highways?

The 2008 Schott Foundation report on high school graduation among black males found that only 19 percent of black males in Indianapolis, 20 percent in Detroit, 27 percent in Norfolk, Virginia, 29 percent in Rochester, New York, and 47 percent nationally were graduating from high school. When I read that report, I felt as if I'd been impaled by fragments from a hand grenade. I asked myself, If our school systems are producing such small numbers of graduates, what is the purpose of K-12 education for black males? Why are we allowing our children to languish in schools and school systems that produce far more failures than successes?

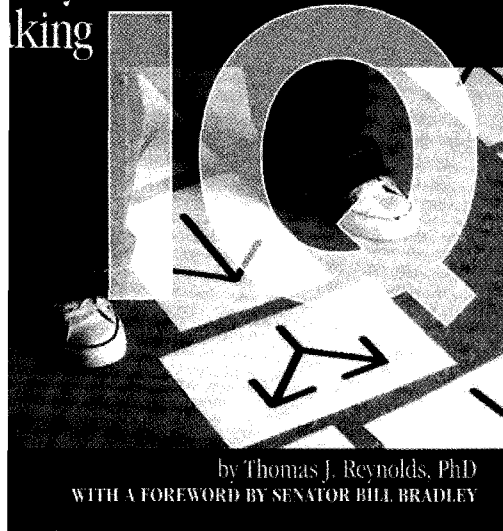
Kaleem Caire is the president and CEO of Next Generation Education Foundation, an organization that prepares young men to succeed in college, careers, leadership, and life.

Our Society's Decision-Making



WANT TO CHANGE AMERICA?

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to Increasing Our
Society's Decision-
Making



by Thomas J. Reynolds, PhD
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Want to Change America? The Education Solution to Increasing Our Society's Decision-Making IQ is a must-read for concerned educators, policy makers, and parents who want to make a difference in the futures of our children and our nation.

A child takes illegal drugs, brings a gun to class, drops out of school, or engages in unsafe sex. In nearly every instance, that child knew what should be done, yet still made bad choices.

What if there was a practical, common-sense instruction manual to help students make better decisions and accept responsibility for the choices they make? *Want to Change America? The Education Solution to Increasing Our Society's Decision-Making IQ* is a road map for empowering students of all ages to achieve their goals and avoid making choices that limit their futures.

This book contains example lessons and corresponding decision maps across the elementary grades and secondary grades, as well as extensions into the field of business ethics. These lessons are tailor-made for both classroom and individual instruction.

According to Chicago teachers (the program was introduced to CPS by Arne Duncan, now the U.S. Secretary of Education), students participating in this groundbreaking LifeGoals Program are more positive about learning, are able to identify their personal goals, accept responsibility for their actions, and are less susceptible to peer pressure.

Students in the LifeGoals Program gain confidence and develop a strong sense of self-identity and purpose. By working through the lessons, they rehearse dealing with circumstances that mirror real life.

"The students I label 'at risk' or who have more problems. . . I've seen the biggest improvement in their behavior," says one teacher who introduced LifeGoals' innovative concepts in his classroom.

Author Thomas J. Reynolds, PhD, draws upon his 25 years of educational experience, ranging from teaching in an elementary school in the barrio of East Los Angeles to being a faculty member at several of the nation's most prestigious academic institutions, including the University of California (Berkeley), the University of Texas (Dallas), Michigan State University, and the University of Notre Dame. Having analyzed the decision research data from more than 25,000 individuals in 25 countries, he approaches decision making from a comprehensive, multi-cultural perspective.

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